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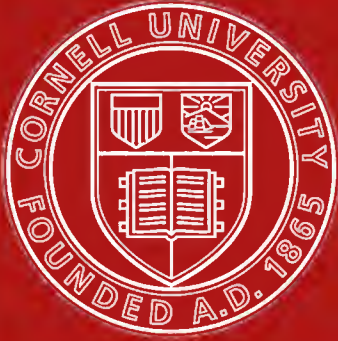
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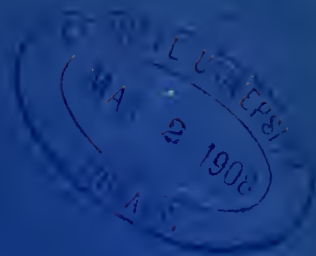
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MISCELLANEOUS. No. 3 (1907).



REPORTS

FROM

HIS MAJESTY'S REPRESENTATIVES IN FOREIGN
COUNTRIES AND IN BRITISH COLONIES

RESPECTING THE

APPLICATION OF THE PRINCIPLE

OF

PROPORTIONAL REPRESENTATION TO
PUBLIC ELECTIONS.

*Presented to the House of Commons by Command of His Majesty, in pursuance of their
Address dated June 18, 1906.*

LONDON:

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RETURN to an Address of the Honourable the House of Commons, dated June 18, 1906 ;

for—

“ A Return showing what legislative measures have been taken in foreign countries and in British Colonies for the application of the principle of proportional representation to public elections, whether national, provincial, cantonal, municipal, or otherwise ; and the results of the working of such measures during the periods in which they have been put into operation, with notices of any modifications or extensions which have been made therein.”

Circular addressed to His Majesty's Representatives in Europe and the United States.

Sir,

Foreign Office, June 22, 1906.

I REQUEST that I may be furnished with a Report, in a form suitable for laying before Parliament, showing what legislative measures, if any, have been taken in the country to which you are accredited for the application of the principle of proportional representation to public elections, whether national, provincial, cantonal, municipal, or otherwise.

Your Report should also state how such measures are found to work in practice, and what modifications and extensions of the system have been made during the period in which it has been in operation.

I am, &c.

(Signed) E. GREY.

Replies to preceding Circular.

AUSTRIA-HUNGARY.

No. 1.

Sir B. Boothby to Sir Edward Grey.—(Received November 22.)

Sir,

Vienna, November 20, 1906.

IN compliance with the instructions contained in your Circular despatch of the 22nd June last, I have the honour to transmit herewith a Report, drawn up by Mr. Seymour, on the subject of the application of the principle of proportional representation to public elections in Austria.

As you will perceive from the inclosed Report, the system has not yet been adopted in any form in Hungary.

I have, &c.
(Signed) BROOKE BOOTHBY.

Inclosure in No. 1.

Report by Mr. Seymour on Proportional Representation in Public Elections in Austria and Hungary.

IN Austria the principle of proportional representation has only been applied in one case to public elections, viz., in that of the elections to the Diet of Moravia; and in this instance, as will be seen, it has only been applied to a certain proportion of the electorate. The Law embodying this principle was passed by the Diet in November 1905, and the Regulations dealing with the new order of things have only recently been issued. The first elections under the above-mentioned Law will be held in December.

It must here be pointed out that the Moravian Diet consists of 149 members and that the electorate is divided into various classes, each class returning a certain fixed number of representatives to the Diet.

These classes are as follows:—

1. Towns and industrial centres returning 40 members.
2. Communal districts returning 53 members.
3. General electorate returning 20 members.
4. The large-landed proprietors returning 30 members.
5. The Chambers of Commerce at Brünn and Olmutz returning each 3 members.

It is in the case of the two latter classes (4 and 5) that the principle of proportional representation has been adopted. The Slavs considerably outnumber the Germans in each case, and under the old system of election by majority they were able to entirely exclude the German representatives of the great land-owners and of the Chambers of Commerce from the Moravian Diet. The new Law was introduced in compliance with the demands of a strong German minority and with the object of securing it a voice in the management of the affairs of the province. Its principal points are as follows:—

The number of votes which a candidate must obtain to secure his election to the Diet is arrived at in this manner. The total number of votes given must be divided by the number of candidates to be elected plus one. The whole number next above the result is the number of votes which a candidate must obtain to secure his return to one of the vacant seats in the Diet.

The case of one of the two Chambers of Commerce may be taken for the purpose of illustrating this principle by examples, and an instance imagined in which the Chamber has to return its full quota of three to the Diet and in which all forty-eight members participate in the election. By application of the above-mentioned rule for determining the number of votes a candidate must obtain to secure election, it will be seen that in this case the number to be obtained is thirteen. In the case of from forty-four to forty-seven voters participating, the number will be twelve, and so on.

The manner in which the voting is conducted is as follows :—

Each voter receives a ballot paper, on which he inscribes the name of three candidates in the order of his preference. The papers are then drawn one by one, and the first name only on each paper read out. As soon as one of the candidates has received the number of votes required in this particular instance to secure his return to the Diet he is considered duly elected and his name cancelled on the remaining papers drawn—*i.e.*, when his name figures first on one of the subsequent papers drawn it is erased and candidate No. 2 on that paper obtains the vote. Thus the voting proceeds until a second candidate has obtained the required number of votes, after which his name too is erased from the remaining voting papers drawn. For example, to take again the case of a Chamber of Commerce, should there be 3 vacancies and 48 voters, and should the 39 first papers drawn bear the names A, B, C, in that order, it follows that A is elected after the 13 first papers have been drawn. His name is then erased and B's becomes No. 1 on the subsequent papers, and he is elected after 13 more have been drawn. B's name is then erased, and it will be seen in the presupposed case that C will be elected after papers 27 to 39 have been drawn. Should the 37 papers first drawn bear the names of candidates A, B, C, and the eleven last those of candidates X, Y, Z, then A and B are elected in the first ballot and another ballot is held to decide who is to fill the third vacancy, the issue being settled in this case by a simple majority.

This system of election promises to be fairly simple in its working, as long as there is a large and united majority of the electors drawing up its voting papers in common agreement, but it has been pointed out by adverse critics of the measure that as soon as there are divisions among the voters, the system of proportional representation as introduced in the Moravian Diet bids fair to become largely a question of chance, depending on the order in which the voting papers leave the ballot box. Only that candidate will be certain of election whose name appears in the first place on a number of voting papers equal to the number of votes to be secured to obtain election. Should, for example, 13 papers bear the names of A, B, C, 13 those of A, J, C, 13 those of D, B, Y, and 9 those of B, X, Y, then A and D are elected in any case, while B, with 9 first and 26 second votes, may succumb to J with 13 second votes, supposing the first 13 papers drawn be inscribed with the names A, B, C and the 13 next with those of A, J, and C.

Whether the principle of proportional representation will be introduced into other Provincial Diets in Austria largely depends on how it is found to work in the case of the Diet of Moravia. It must be borne in mind that in the latter instance its introduction was dictated by motives of policy and in compliance with the demands of the German party, which complained of the over-representation of the Slav population in the Diet. It was, in fact, the outcome of the continual friction existing in Moravia between these two nationalities.

It is not considered likely that the principle of proportional representation will ever be adopted in the case of the elections for the Imperial Parliament in Vienna.

The system has not been applied in any form in Hungary.

(Signed) RICHARD SEYMOUR.

Vienna, November 20, 1906.

BAVARIA.

No. 2.

Mr. Cartwright to Sir Edward Grey.—(Received August 4.)

Sir,

Munich, August 1, 1906.

WITH reference to your Circular despatch of the 22nd June last asking for information respecting the application of the principle of proportional representation to public elections in Bavaria and Wurtemberg, I have the honour to inclose herein a Memorandum on this subject.

I have, &c.
(Signed) FAIRFAX L. CARTWRIGHT.

Inclosure in No. 2.

Memorandum respecting Proportional Representation in Public Elections in Bavaria and Wurtemberg.

Bavaria.—In Bavaria the new Electoral Law with regard to the system of election to the Bavarian Chambers was passed recently, and will come into force at the next general elections.

The chief alteration in the electoral system of Bavaria by this Law is that, whereas formerly the voters elected electors, who then chose the representatives to Parliament, now the voting will be direct, and the candidates will therefore be elected directly by the population who possess votes. The elections will still be decided by an absolute majority, and the country will be divided into districts of 38,000 inhabitants, each one of which will elect a representative directly.

The choice of Members for the Imperial Reichstag is conducted under the terms of Imperial Legislature with regard to this matter—that is to say, that Members are elected by a majority vote.

Members for the Commercial Courts (“Kaufmannsgerichte”) are selected by majority vote, such elections being governed throughout Germany by Imperial law, whereas the system of election for Artisans’ Arbitration Courts (“Gewerbegerichte”) is left to the choice of the municipalities, and the town of Munich has recently decided to apply the proportional electoral system for this purpose. This example has not been generally followed by other municipalities in Bavaria.

Wurtemberg.—In Wurtemberg the electoral system for the Diet has been recently altered. The kingdom now will be divided into two parts—the northern, consisting of the Neckar and Jagst provinces, to elect nine Members, and the southern, consisting of the Black Forest and Danube provinces, to elect eight Members. The town of Stuttgart will be represented by six Members. The choice of these representatives will be by a system of proportional representation.

A Bill has passed the Diet applying the principle of proportional election system to municipal elections in towns above 10,000 inhabitants.

Munich, August 1, 1906.

BELGIUM.

No. 3.

Sir A. Hardinge to Sir Edward Grey.

Sir,

Brussels, June 28, 1906.

I HAVE the honour to acknowledge the receipt of your Circular despatch of the 22nd instant, and to execute herewith the instructions therein conveyed to me to furnish you with a Report on the application of the principle of proportional repre-

sentation in this country, in which, as you are aware, it exists for parliamentary elections.

The simplest way of dealing with the subject will, I think, be that I should try to explain and illustrate the practical working of this system, without troubling you with quotations *seriatim* of the principal clauses in the various Acts of Parliament which have established the existing electoral machinery of Belgium. I append, however, for convenience of reference, an English translation of the Act respecting proportional representation passed on the 29th December, 1899.

This Act was a consequence of those of the 12th April and 28th June, 1894, which swept away the old property qualifications for elections established by the Belgian Constitution of 1831, and brought in, to all intents and purposes, universal suffrage for elections to the House of Representatives and to 83 out of 110 seats in the Senate, qualified by a system of plural voting which I shall presently endeavour to describe.

Under the Reform Acts of 1894 every Belgian aged 25 years, and domiciled for the term of one year in any "commune," or parish, has a vote for the House of Representatives, provided he is not disqualified either temporarily or permanently by conviction of certain criminal offences. An elector can only vote in one constituency, but he may, in virtue of special qualifications, possess in it as many as three votes. He has one extra vote if he is (a) a married man over 35 years of age or a widower of the same age with legitimate issue, and pays 5 fr. a-year in taxes on the house or lodging occupied by him; or (b) is the owner of real property valued at 48 fr. per annum, or of 100 fr. per annum derived from bonds or shares in certain specified national institutions, such, for instance, as the Belgian Public Debt. He has two extra votes if he possesses (a) a university degree or an academical diploma or certificate issued by certain specified educational institutions, or (b) is or has been a holder of certain offices or a member of certain liberal professions. I need not enumerate these offices or professions in detail; they include the commissioned ranks in the army and navy, the ministry of the various Churches recognized by the State, the Bar and Magistracy, and all the higher branches of the Civil Service and of the medical and teaching professions.

The law establishing universal suffrage thus qualified by plural voting was the work of the Catholic or Conservative party; but it was thought that it did not sufficiently safeguard the representation of minorities in the future, should a democratic wave overwhelm them. M. Beernaert, the great Catholic statesman, had himself wished to provide for this, but his resignation shelved the question for a time, and in 1899 the then Catholic Premier, M. Vandenpeereboom introduced a Redistribution Bill, into the details of which I need not now go, but which appeared to be so clearly intended to serve his party interests that the Opposition, unable to resist its passage through the House, met it by organizing popular demonstrations, which led to street riots in numerous great centres. These soon assumed so serious an aspect and the division of opinion among the Catholics themselves on the subject of the Redistribution Bill became so acute, that it was eventually abandoned, its place being taken by the present Law on Proportional Representation, proposed and carried by the Prime Minister, M. de Smet de Naeyer, but really due to the initiative of M. Theodor, a leading member of the Independent or Moderate Conservative party. This measure was acquiesced in at the time without enthusiasm, but without the dislike provoked by the earlier electoral Redistribution Bill among the Liberals and Socialists, by all the political parties. Its principal features are as follows:—

The electoral divisions continue to be formed by the "arrondissements" or administrative subdivisions of the provinces, but for electoral purposes several "arrondissements" may be combined into one electoral division.

The following is a list of these electoral divisions:—

Province of Antwerp—

Electoral Division of	Antwerp ..	..	..	Returning	13	Members.
"	Mechlin ..	..	..	"	4	"
"	Turnhout	..	..	"	3	"

Province of Brabant—

Electoral Division of	Brussels ..	..	..	"	21	"
"	Louvain ..	..	..	"	6	"
"	Nivelles ..	..	..	"	4	"

Province of West Flanders—

Electoral Division of	Bruges	Returning	4	Members
" "	Ostend, Furnes, and Dixmude ..	"	4	"
" "	Roulers and Thielt. . .	"	4	"
" "	Courtrai	"	5	"
" "	Ypres	"	3	"

Province of East Flanders—

Electoral Division of	Ghent and Eecloo	"	11	"
" "	St. Nicholas	"	4	"
" "	Termonde	"	3	"
" "	Alost	"	5	"
" "	Oudenarde	"	3	"

Province of Hainault—

Electoral Division of	Mons	"	6	"
" "	Soignies	"	4	"
" "	Tournai and Ath	"	6	"
" "	Charleroi	"	9	"
" "	Thuin	"	3	"

Province of Liège—

Electoral Division of	Liège	"	12	"
" "	Huy and Waremme	"	4	"
" "	Verviers	"	5	"

Province of Limburg—

Electoral Division of	Hasselt	"	3	"
" "	Tongres and Maaseyk	"	3	"

Province of Luxemburg—

Electoral Division of	Arlon, Marche, and Bastogne	"	3	"
" "	Neufchateau and Virton	"	2	"

Province of Namur—

Electoral Division of	Namur	"	5	"
" "	Dinant and Philippeville	"	4	"

Total	166	
-------	-------	----	-----	--

There is, it will be observed, no distinction between urban and rural constituencies. The number of members returned by each electoral division is based on population in the ratio of one member to every 40,000 electors, whether possessed of one or more votes. It follows that the number of members returned by any given constituency must alter from time to time with the increase or decrease of population and be subject to periodical revisions.

The members are elected for four years, one-half of them going out and being subject to re-election every two years. Thus, this year the members for the provinces of Antwerp, Brabant, West Flanders, Namur, and Luxemburg were re-elected for four years; and in 1908 those for East Flanders, Hainault, Limburg, and Liège will come up for re-election for the same period. A general election, in the English sense of the term, only takes place in the event of a dissolution of the whole Chamber by the Crown.

Let me now take, in order to illustrate the working of the Proportional Representation Law, the case of a particular electoral division returning, we will say, ten members. The electors will be called upon to vote for two classes of representatives: (1) the actual or effective members ("titulaires ou effectifs") and (2) the supplementary members ("suppléants"). The effective members are those who will be actually returned to Parliament; the supplementary members those who will fill—in the order in which they may have been elected, but without any fresh election on a vacancy—vacancies which may arise during the four years that precede the next election owing to the death or resignation of an effective member.

The various political parties in the constituency now each proceed to draw up a list of effective candidates and of "suppléants." This work will be done by the local caucus or party organization, acting under the direction of the party head-quarters, which will decide the order to be occupied by the candidates in the list, placing the strongest and most popular man first, the next strongest second, and so on. The supplementary candidates will be inferior in number to the effective ones. If the list of effective candidates comprises 10 or more, 6 supplementary candidates may be designated; if there are 7, 8, or 9 effective candidates there may be 5 supplementary

candidates; if there are 6 or 5 effective candidates there may be 4 supplementary ones, and where only 4 effective candidates are to be chosen 4 supplementary candidates may also stand. A candidate may figure both on the effective and on the supplementary lists.

Small groups not belonging to any one of the great parties are free to present their separate list, or individuals may come forward as isolated candidates in a so-called "list" containing only their own names, but in practice such representatives of small groups or individual opinions have, as I shall presently explain, little or no chance under the existing system of winning seats from the great party organizations. These are at present three in number: (1) the Catholic, Clerical or Conservative party now in office; (2) the Liberal party, chiefly representing the Liberal, Radical, and Free-thinking bourgeoisie; and (3) the Socialist party, politically republican and economically in favour of the nationalization of all the means of production. The relative strength of these parties of course differs in the different electoral divisions; the Flemish agricultural constituencies, largely controlled by country clergymen and farmers, are in the main Conservative, voicing views somewhat similar to those of the corresponding classes in England. The more industrial Walloon region is largely Liberal, as are also many second-class towns throughout the country, whilst in the great manufacturing and mining centres, such as Liège and Charleroi, as well as in populous cities like Antwerp and Brussels, the Socialist and Labour organizations are very strong.

To return to our ten-member constituency. On the day of the election, which is the same for the whole of Belgium and must always be a Sunday, electors being compelled under a penalty to record their votes, each elector will, on presenting himself at the poll, be given a paper showing the rival party lists.

I assume, for the sake of illustration, that each of the three great parties, the Catholics, the Liberals, and the Socialists, has its respective list of ten candidates, which will be drawn up by the returning officers in the form given below:—

<div>○</div>			<div>○</div>			<div>○</div>		
LIBERALS.			SOCIALISTS.			CATHOLICS.		
1	A.	○	1	K.	○	1	U.	○
2	B.	○	2	L.	○	2	V.	○
3	C.	○	3	M.	○	3	W.	○
4	D.	○	4	N.	○	4	X.	○
5	E.	○	5	O.	○	5	Y.	○
6	F.	○	6	P.	○	6	Z.	○
7	G.	○	7	Q.	○	7	A.A.	○
8	H.	○	8	R.	○	8	A.B.	○
9	I.	○	9	S.	○	9	A.C.	○
10	J.	○	10	T.	○	10	A.D.	○

An elector may either (1) make a black mark with his pencil on the white space or bull's-eye at the top of one of these three lists. In this case he votes for all the ten

candidates on the list in the order in which they stand; or (2) he may give a preferential vote to one of the candidates on the list, irrespective of his place on it, by blackening with his pencil the white spot or bull's-eye standing against the name of the individual candidate whose election he specially desires. In this case he really votes for the list as a whole, but gives a preferential personal vote to the particular candidate opposite whose name he has made his mark. If he marks the paper in any other manner than the two above described he nullifies his vote.

The total figures of each of the three lists will thus be made up (a) of the impersonal votes given to the entire list; and (b) of the personal preferential votes given to one or other of the individual candidates inscribed in it.

Let us suppose that the right-hand or Catholic list obtains a total of 56,000 votes; list 2, the Liberal, a total of 37,500 votes; and list 3, the Socialist, one of 22,200 votes. In order to ascertain the number of Deputies elected in each of these lists, the totals obtained by each list will be successively divided by the figures 1, 2, 3, 4, and so on. The ten highest results thus obtained, some of which will be certainly found to be in the lists of the minorities, will each give one of the ten seats, and the lowest of these results will constitute what is termed the "electoral divisor," whose functions I shall explain later on. The following table will illustrate my meaning:—

	List 1 (Catholic).	List 2 (Liberal).	List 3 (Socialist).
Total votes given to the list .. .	56,000	37,500	22,200
Above figures divided by 1	56,000	37,500	22,200
" " 2	28,000	18,750	11,100
" " 3	18,666	12,500	..
" " 4	14,000	..	..
" " 5	11,200	..	..

The ten seats will thus be distributed among the different lists in the following order:—

Seat 1 .. 56,000 .. A Catholic.	Seat 6 .. 18,666 .. A Catholic.
" 2 .. 37,500 .. A Liberal.	" 7 .. 14,000 .. A Catholic.
" 3 .. 28,000 .. A Catholic.	" 8 .. 12,500 .. A Liberal.
" 4 .. 22,200 .. A Socialist.	" 9 .. 11,200 .. A Catholic.
" 5 .. 18,750 .. A Liberal.	" 10 .. 11,100 .. A Socialist.

The list of ten deputies elected will thus comprise five Catholics, three Liberals, and two Socialists.

The next duty of the returning officers will be to ascertain to which of the candidates the seats won by their respective lists shall be assigned.

Let it be granted that the 56,000 votes given to the Catholic list are distributed as follows:—

Votes given to the whole list, i.e., impersonal votes given by marking the bull's-eye at the top of the list	45,000
Votes given to individual candidates by marking the bull's-eye opposite their names	11,000
Candidate U. personal votes	500
" V. "	1,000
" W. "	500
" X. "	1,200
" Y. "	100
" Z. "	7,700

In order to be elected, a candidate must have obtained 11,100 votes, the equivalent of the so-called "electoral divisor" mentioned above. The 45,000 votes given to the list as a whole constitute a sort of pool from which each successive candidate will draw the votes necessary in order to bring those given for himself individually up to the amount of the "electoral divisor."

Thus the first candidate on the victorious Catholic list, Mr. U., has obtained 500 personal votes. He will be credited out of the pool of 45,000 votes given to the whole Catholic list with 10,600 votes, which, added to his 500 personal votes, will equal the "electoral divisor." The pool after this deduction will be reduced to 34,400 votes available for making up the totals of the remaining candidates.

The second candidate, Mr. V., has 1,000 personal votes; he draws 10,100 votes from the pool, which thus falls to 24,300 votes.

Mr. W., with his 500 personal votes will require 10,600 votes from the pool to make up his 11,100. This reduces the pool to 13,700.

Mr. X. will require 9,900 votes from the pool. His draw on it reduces it to 3,800.

Mr. Y. has got 100 personal votes, but as 3,800 only remain in the pool and the addition of these votes to his personal ones will not bring his total up to 11,100, the "electoral divisor," he will not be elected. Mr. Z., on the other hand, being a popular candidate, has 7,700 personal votes; by drawing the 3,800 votes still remaining in the pool he can bring his total up to the 11,100 votes necessary for him to be elected. He will thus win the last of the five seats to be distributed among the candidates on the Catholic list. The same system will be followed in the selection of the successful candidates from the Liberal and Socialist lists respectively.

In practice the great majority of the electors vote for the party lists without designating any particular candidate, and their votes therefore go to make up the totals of the two or three candidates who head it. It sometimes, however, happens that a candidate, who, for one reason or another, is not strongly patronized by the caucus, and therefore finds himself low down on the party list, will, owing to his personal popularity with the electors, or a certain section of them, obtain so large a number of personal votes that these added to those remaining over to him from the pool will give him a higher total than candidates figuring above him on the list. This happened the other day to M. Colfs, a Clerical on whom the party leaders do not look with unmixed favour, but who has a large personal following.

The same procedure is observed as regards the lists of the supplementary candidates, whose function, as stated above, is automatically to replace sitting members whose seats may be vacated between elections by death or other causes.

I have already observed that the Senate is in part elected by the direct votes of the same electors as elect the House of Representatives, with this single difference, that electors for the Senate must be thirty instead of twenty-five years of age.

The Senate is composed of 110 members for eight years. There is a partial re-election similar to that described above in the case of the House of Representatives every four years. Of the Senators, eighty-three are chosen by direct elections, and twenty-seven are elected by the County Councils ("Conseils Provinciaux"), which are themselves elected by all citizens qualified to vote directly for the Senate, the electoral division in the case of these Councils being, however, not the "arrondissement," but a division of it called the canton and standing in the same relation to the "arrondissement" as the latter does to the province. The electoral divisions returning Senators by direct election are the same as those returning the members for the House of Representatives; but two or three such divisions are frequently fused into one for the purposes of Senatorial elections, the number of electors being a good deal smaller on account of the difference of the age limit. The Senate is thus the product of almost universal suffrage tempered by the plural vote, and, in the case of twenty-seven of its members, by the substitution of indirect for direct election. Its otherwise democratic character is qualified by a provision in the Constitution of 1831, which the Reform Acts have preserved, and which obliges every candidate for the Senate, besides being at least forty years of age, to be the owner or occupier of real estate valued at 12,000 fr. (480*l.*) a year, or to pay 1,200 fr. (48*l.*) a-year in direct taxes. The Senators elected by the Provincial Councils are not required to possess this property qualification, and this circumstance, joined to the fact that these local bodies are occasionally very radical in complexion, accounts for the presence among the provincial Senators of several ultra-democratic politicians. The method of electing to the Senate is similar to that in force for the House of Representatives, except that the system of proportional representation is not applied to the election of those Senators who are chosen by the Provincial Councils. Article 227 of the Electoral Law of 1894 provides for the election of these Senators by a majority of the Council, with a further provision that where two persons who are candidates obtain an equal number of votes the elder is declared elected, and this Article has not been repealed by the law respecting proportional representation introduced in 1899.

I have described thus fully the constitution of the Senate, because it is important in considering the question of the representation and interests of minorities to bear in mind that in the Belgian Parliament the Upper House, whose checking and amending authority is in many constitutional States deemed a sufficient protection of minorities

against an abuse of power by a majority in the Lower House, is returned by much the same electors as the latter and composed of very similar elements.

The system of proportional representation which I have endeavoured in the above pages to sketch exists only for the legislative bodies. It has been proposed to extend it to provincial, municipal, and communal elections, and this will probably be done if the qualifications of voters at these elections are assimilated, as the Liberals and Socialists propose that they should be, to those for electors to the House of Representatives. In 1895 a partial application of the principle on which it rests was legalized in the case of communal elections in certain large cities. A law, voted on the 27th October of that year, provided for a proportional distribution of seats in the Communal Council among opposing lists. Every such list must, however, have in its favour one-third of the total votes if there were 4 seats to be filled, one-quarter if there were from 4 to 6, one-fifth if from 7 to 12, one-sixth if there were more than 12.

At present six out of the nine Provincial Councils are in the hands of Catholic majorities—Brabant, Hainault, and Liège being the only provinces in which the Opposition predominates in these bodies.

The first elections held after the introduction of the system of proportional representation took place in May 1900. The House of Representatives consisted at that time of 152 members, 14 new seats having since been added in consequence of the increase of population shown by the decennial census of 1900. The relative strength of parties in the House on the eve of the elections was as follows: 112 Catholics, 12 Liberals, and 28 Socialists.

The elections of 1900 gave the following results: 87 Catholics, 34 Liberals, 31 Socialists.

The Catholics, who under the old system held all the seats in Brussels and Antwerp, lost 10 out of 18 seats in the former and 5 out of 11 seats in the latter constituency, but they gained two seats at Mons and two at Charleroi, which had previously elected only Socialists. The chief feature of the election, however, was the revival of the influence of the Liberal party, which had been a great power in the days when the Chamber was returned largely by middle-class electors, but which, under the régime of universal suffrage, held fewer seats than the extreme parties on either side of it.

When the elections of 1902 took place the total number of members of the House of Representatives had increased, as above stated, from 152 to 166.

The position of parties in the House at the close of these elections was as follows: 96 Catholics, 34 Liberals, 24 Socialists, 2 Christian-Democrats.

Of the 14 new seats created as the result of the census, 9 were thus gained by Catholics, 2 by Socialists, and 2 by the Christian-Democratic party.

After the elections of 1904, the composition of the House was as follows: 93 Catholics, 42 Liberals, 29 Socialists, 2 Christian-Democrats.

Since the elections of May last, the House consists of 89 Catholics, 46 Liberals, 30 Socialists, and 1 Christian-Democrat.

It appears probable that if the progressive reduction of the Catholic majority continues at future elections, and is not either arrested by the alarm created among many moderate men by the alliance which has recently been concluded between the Liberal and Socialist parties or hastened by any unforeseen events, the Catholics will, in the course of the next few years, be placed in a minority and the Liberal-Socialist coalition obtain office, but with a small majority only.

It remains to consider the broader political consequences of the system of proportional representation, so far as it is possible to judge of them during the few years that the law has been in force.

The most obvious objection to any system of election by bare majorities is that a parliamentary majority may occasionally represent, owing to the mode in which electoral divisions are distributed, an actual minority of the electorate. Count Goblet d'Alviella, a Belgian champion of proportional representation, has pointed out that in Holland, after the elections of 1886, 47,613 Liberal voters were represented by 47 members, and 53,826 Conservative voters by only 39 members; whilst in England, after the fall of the last Gladstone Ministry, 1,436,000 Liberal electors were represented by 296 members, 1,222,000 Conservative electors by 356 members. Such examples could no doubt easily be multiplied. Even where, however, the parliamentary majority has been returned by a corresponding, or by an actual, majority among the electors, it by no means follows that it can safely be entrusted with absolutely unlimited power for a term of years. A well-disciplined party majority, though it may not reflect on all or many questions the permanent sentiments of the great mass of the electors,

especially of that large body which oscillates between extreme opinions, and may even have been elected on a single, possibly only a side issue, under the influence of a passing gust of popular feeling or of the natural action and reaction of the political pendulum, can crush all resistance by the weight of numbers and destroy, in a day, as revolutionary Assemblies have sometimes done, institutions which can never be recreated. Almost all modern States have accordingly sought to devise guarantees against the possible tyranny of ephemeral majorities in their popular Assemblies. Some have enacted, Belgium among them, that any change in the fundamental laws must be sanctioned by a two-thirds majority in both Chambers. Others have had recourse to the *referendum*, which was seriously discussed in this country as an alternative to proportional representation, but which, except in small communities or where simple issues of paramount importance can be submitted to the electorate, is a cumbrous, costly, and inconvenient mode of appeal from Demos drunk to Demos sober. A larger number have provided for the revision of the acts of the popular Assembly by a somewhat differently constituted second Chamber. Where this second Chamber represents, not the changeable passions of the multitude, but social forces disinclined from interest or instinct to extreme measures, especially in the direction of innovation, as in the United Kingdom, in Austria-Hungary, in most of the States of Germany, and to a lesser degree in Denmark and Sweden, this checking and revising power, judiciously exercised, generally fulfils in a more or less satisfactory fashion the main objects of its existence.

In Belgium, however, as I have tried to show above, the Senate bears too close a resemblance in its character and composition to the House of Representatives to afford a real protection to the interests and opinions of accidental or temporary minorities, and it is therefore important to secure that these minorities shall be sufficiently strong in themselves to make it dangerous and difficult to trample too roughly upon them. To take a single important question, that of the Congo, which has recently (March 1896) been discussed in the Belgian Parliament, the present small Ministerial majority has been compelled to defer to some extent to the opinions of the powerful Liberal and Socialist minorities, rather than run the risk that a few defections in its own ranks might land it in a defeat. The effect of the system of proportional representation where opposing views are so fairly balanced as is the case in Belgium is undoubtedly to prevent the domination of overwhelming majorities, to steady the ship of State against violent lurches in any direction, and to act as a drag on extreme parties. These latter, and especially those on the extreme Left, thus view it with a certain dislike, and the Socialists instinctively feel that even though they themselves may in opposition derive benefit from it, it is on the whole a Conservative, or as they would term it, an obstructive and reactionary, agency.

Count Goblet d'Alviella, the Liberal statesman and strong advocate of proportional representation already mentioned by me, claims for the new system that it has revived a wholesome interest in politics in districts where it had long been extinct. In Flanders the Liberal party has once more raised its head, and now challenges the clerical domination, against which it was formerly quite useless for it to struggle. In Walloon constituencies, where no clerical dreamt of standing before, clerical candidates have contested and won seats. Another national danger, that of the identification of the Catholic party with the Flemish-speaking districts, and of the Liberal party with the Walloon ones, and the coincidence of racial and political boundaries, has been mitigated: there are now Flemish Liberal and Walloon Catholic members. Count Goblet also holds that the law has diminished the violence and bitterness of electioneering contests; a defeat does not now imply the complete crushing of the defeated party.

On the other hand, the present system is open to the criticism that it in some respects defeats its own professed ends. It is in practice fatal to the representation of small minorities or to the presence in the Chambers of Independent members. Few Belgian politicians have much chance nowadays of being elected either to the Senate or to the House of Representatives who are not stamped with the hall-mark of one of the three great political organizations and definitely pledged to its whole programme. Under the old system, what was known as "panachage," or cross voting, was common. An elector where several candidates were standing could vote both for the one belonging to the party of his choice and for another who, without entirely representing his party ticket, inspired him with confidence on personal grounds. As the law now stands he can only vote for one or other of the party lists. If he votes for an independent or isolated candidate, whose presence in the House on broader grounds than those of mere party interests might be of value to the State, he can no longer

also vote, on pain of his vote being cancelled, for one representing his own political party. The result has been that all the small political groups representing either the influence of commanding personalities or local interests, or compromises between the views of the larger parties on the Right or Left, have been swept out of the political arena. The so-called Independents, for example, a small but very respectable and highly cultivated party, politically moderate Conservative, but opposed to the Clericals on the educational and military questions, which, under the old electoral system, held, I believe, most of the Conservative seats at Brussels, failed at the elections of May last to return a single member. By a curious irony of fate, the author of the present law of proportional representation, M. Theodor, himself an Independent, was thus a victim of his own system. The Daensistes, or Christian-Democratic party, which votes Socialist on most secular questions; but is, nevertheless, strongly Christian, has fared almost equally badly. If the system were applied to England, worked as it is in Belgium, very few Liberal-Unionists or Conservative Free-Fooders, and perhaps not many Independent Labour Members, would find seats. It is no doubt an unsatisfactory symptom in almost all the Legislatures of the present day that the old system of alternative Government by two, or at most three, great parties—the Right, Centre, and Left, of the Continent and the Tories, Whigs, and Radicals, of England—is being modified throughout Europe by the detachment from these main bodies of numerous smaller political groups, many of them class or local, or what is sometimes vulgarly called “faddist,” and that even the Mother of Parliaments is not quite exempt from this tendency, which finds, perhaps, its most extreme expression in the German Reichstag. That Belgium, unlike her neighbours, unlike even the sister Kingdom of the Netherlands, should so far have resisted it may be an advantage or the reverse, but it is at least a somewhat singular consequence of a reform, one of whose main objects was to protect and voice the interests of minorities.

M. Destrée, an ultra-Radical politician, proposes in the newspaper “Le Peuple” a reform which, without abolishing proportional representation, would, he thinks, serve to make it more tolerable. The present system, he says, is an unfair one, a “false balance,” for the reason that the “electoral divisor” or number of votes necessary to any candidate greatly varies in different constituencies. It ought, he argues, to be the same in all: to be national, and not local. An average figure to be agreed on, such as, say, 12,000 votes, recorded in favour of a given party, or even for an isolated candidature, should suffice to secure for it a seat in any constituency. Thus the Christian-Democrats, with their 60,000 votes, ought at the last election to have had five seats instead of only one. How this is to be arranged consistently with the maintenance of the existing electoral divisions M. Destrée does not explain; but Count Goblet d’Alviella, who has put his finger on the same anomaly, proposes to deal with it by uniting two or three of these divisions into one, and, in fact, making the province, and not the “arrondissement,” the electoral area. The Catholics, he says, in 1900 received only 48 per cent. of the total votes recorded, but they won 56 per cent. of the seats owing to the wastage of the votes which were fruitlessly given to minority candidates, and which he estimates at 158,843 votes in all. With a larger electoral area these wasted votes might have secured several seats for minorities, and thus redressed the balance in such a way as to render the Parliament a more accurate reflection of the electorate. Some politicians have even proposed to allow these “wasted votes” to be credited to the party for which they were given in some other electoral division, or, so to speak, to centralize and untie all the results obtained throughout the country for which a single quotient would then be established. This would decide the number of seats in the kingdom as a whole to which each of the contending parties should be entitled. Such a system would, however, of course destroy the whole principle of local representation, and would open the door to other evils even greater than those which it sought to remedy.

Judged as a whole, and if opposing considerations are fairly balanced one against the other, I am inclined to think that in the existing conditions of Belgium the advantages of the present Law of Proportional Representation outweigh any disadvantages. My predecessor, Sir Francis Plunkett, in reporting upon it to Lord Salisbury justly observed that it had been accepted with some reluctance by the general public, and passed as a rather unsatisfactory compromise. The opinion which I have just ventured to express is, I believe that of the majority of Belgians of all shades of politics after a few years’ trial of the system. The advanced Socialists are the only exception, and even these acquiesce in it for the present, on the ground that the Moderate parties regard the law as a necessary corollary to universal suffrage, which was only adopted in this democratic, but at the same time individualist and, at heart,

conservative, country on the understanding that it would be fenced in by careful safeguards for the rights of minorities and vested interests.

I have, &c.

(Signed) ARTHUR H. HARDINGE.

Inclosure in No. 3.

*Law relative to the Application of Proportional Representation to Legislative Elections,
December 29, 1899.*

(Translation.)

ARTICLE 1. The text of Article 136 of the Electoral Code is replaced by the following :—

“The elections for the Chamber of Deputies and for the Senate are held by administrative division. Nevertheless, two or more divisions can be united for the election of Representatives and Senators.

“The whole in conformity with the table of distribution annexed to the law in force at the moment of the election.”

Art. 2. The third paragraph of Article 142 of the Electoral Code is replaced by the following :—

“In the case of the union of two or more administrative divisions for the election of Representatives and Senators, the first bureau is established in the chief town indicated in the table of distribution contemplated in Article 136.”

Art. 3. The first paragraph of Article 164 is replaced by the following :—

“The presentation must be signed by 100 electors at least. When the senatorial division comprises two electoral divisions for the Chamber, the presentation of candidates for the Senate must be signed by at least fifty electors in each of the divisions.

“The operations of the senatorial election are entirely distinct in each of these two divisions, except as regards the general counting of the votes and the announcement of the candidates elected.”

Art. 4. The following last paragraph is added to Article 168 :—

“The same holds good when the election for the Senate takes place in a college comprising two electoral divisions for the Chamber of Deputies. For this purpose the president of the principal bureau will immediately acquaint the president of the second college with the decisions arrived at with regard to the ballot.”

Art. 5. The following provisions shall constitute Articles 253 to 267, where they will figure under the title XI “Proportional Representation” :—

A (Article 253). The legislative election is carried out in one ballot.

When there is only one member to be elected, the candidate obtaining the greatest number of votes is elected.

When there is more than one member to be elected for one of the two Chambers the election is carried out in conformity with the provisions of the present code, except as regards the modifications resulting from Articles 254 to 267 (see below).

B (Article 254). At the time of the presentation of candidates to the writs of Representative or Senator, fixed by Article 164, substitute candidates may be presented at the same time as these and in the same forms. Their presentation must, on penalty of becoming void, be made in the deed of presentation of candidates to writs, and the deed must classify separately the candidates of the two categories presented together, whilst specifying the latter.

The number of substitute candidates cannot exceed that of candidates for effective writs presented in the same deed, nor exceed the maximum of four. Nevertheless, this maximum is increased to five if the list comprises seven, eight, or nine candidates for effective writs, and to six if it comprises more.

An elector may not sign more than one deed of presentation of candidates for the same election. An elector who contravenes this prohibition is liable to the penalties inflicted under Article 215 of the present code.

B 1. Candidates and electors who have delivered deeds of presentation are allowed to take note, without removing, of all the deeds of presentation deposited, and to address their observations in writing to the principal bureau.

This right is exercised within the term fixed for the delivery of the deeds of presentation; it is further exercised during the two hours following the expiry of the term, and the next day from 1.0 to 4.0.

The principal bureau closes provisionally the list of candidates after the second hour following the expiry of the term fixed for the presentations of candidates.

B 2 (Article 256). A candidate cannot figure on more than one list at the same election, but he may be presented at one and the same time as titular or substitute on the same list.

No one can be candidate at the same time in more than one electoral college. Nevertheless, a candidate may be titular for one of the two Chambers and substitute for the other. The candidate who contravenes any of the prohibitions indicated in the two preceding paragraphs is liable to penalties inflicted under Article 215. His name is struck off all lists on which it appears. To ensure such striking off, the president of the electoral college, on the day of the closing of the lists of candidates, will telegraph their names and Christian names to the Minister of the Interior, who will notify to him any multiple candidatures.

C (Article 257). When only one list is presented, if the number of titular candidates tallies with that of the effective writs, such candidates are declared elected without further formality. Substitute candidates are declared 1st, 2nd, 3rd, &c., substitute according to the order in which they figure in the deed of presentation.

When several lists are duly presented, if the number of effective candidates and substitutes does not exceed that of the effective writs to be granted, these candidates are declared elected as titulars by the principal bureau without further formality.

If the number of effective candidates and substitutes exceeds that of the effective writs to be granted, recourse must be had to the electoral operations determined in the following Articles.

D (Article 258.) All the lists are classified in the voting paper according to an order arrived at by drawing by lots; the last columns are kept for candidates presented separately, with or without substitutes.

The names of the candidates for the position of substitutes are placed according to the order of the presentations in the column reserved on the list to which they belong immediately after the names of the candidates for titular election, also inscribed in the order of the presentations, and are preceded by the word "substitutes." A space is placed opposite the name of each of the titular and substitute candidates.

The whole in conformity with model II.

E (Article 259). The electors can record one vote only for the assignment of effective writs and one only for substitutes.

If he adheres to the order of presentation of candidates on the list which he supports, he inscribes his vote in the space placed at the head of this list.

If he adheres to the order of presentation of titular candidates only and wishes to change the order of presentation of the substitutes, he gives a nominative vote to a substitute on the list.

If he only adheres to the order of presentation of substitute candidates and wishes to change the order of presentation of the titular candidates, he gives a nominative vote to the titular candidate of his choice.

If, finally, he does not adhere to the order of presentation either for titulars or for substitutes, he registers a nominative vote for a titular and nominative vote for a substitute belonging to the same list.

The nominative vote is indicated in the space placed after the name of the candidate titular or substitute, to whom the elector intends to give his vote.

E 1 (Article 260). The Table contemplated in Article 186 sets forth for each of the lists, classified in the order of their numbers, the number of list votes and the number of nominative votes obtained by each candidate.

The list votes comprise the votes indicated at the head of the lists (paragraph 2, Article 259) and the votes given to substitutes only (paragraph 3, *idem*), which are counted both as list votes and as individual votes for substitutes.

F (Article 261). Papers containing more than one list vote or containing, whether for effective writs or for substitute, more than one nominative vote, are null and void. Papers in which the elector has marked both a vote at the head of a list and by the side of a candidate's name, titular or substitute, or in which he has voted both for a titular on one list and substitute on another, are equally null and void.

G. The total of the valid papers favourable to one list, whether they contain a list vote or a nominative vote, constitutes the electoral total of the list.

This total is arrived at by adding the list votes (paragraphs 2 and 3, Article 259) and the nominative votes obtained by titular candidates.

Isolated candidatures are deemed to constitute each one a distinct list.

H (Article 263). The principal bureau divides in turn by 1, 2, 3, 4, 5, &c., the electoral total of each list, and places the quotient in their order of importance until the total number of quotients is equal to that of the members to be elected. The last quotient is used as the "electoral divisor."

The distribution among the lists is effected by assigning to each of them as many seats as the number of times is contained in the electoral figure.

If a list obtains more seats than there are candidates, titulars or substitutes, the seats not assigned are added to those accruing to the other lists; the distribution between the latter is effected by carrying out the operation indicated in the first paragraph, each new quotient determining, in favour of the list to which it belongs, the assignment of one seat.

I (Article 264). When a seat accrues equally to several lists, it is assigned to that which has obtained the highest electoral figure, and, in case of parity of the electoral figures, to the list in which the candidate whose election is at issue who has obtained the most votes or, collaterally, who is the elder.

J (Article 265). When the number of the titular candidates is equal to that of the seats accruing to that list, these candidates are all elected.

When the number is greater, the seats are granted to the titular candidates who have obtained the most votes. In case of parity, the order of presentation obtains. Previously to the designation of the candidates elected, the principal bureau proceeds to the individual assignment to the titular candidates of the list votes favourable to the order of presentation. This assignment is carried out by devolution.

The list votes are added to the nominative votes obtained by the first candidate on the list, until the amount necessary to complete the "electoral divisor" is obtained; the surplus, if any, is assigned in a similar measure to the second candidate, and so on until all the list votes have been assigned.

When the number of titular candidates on a list is less than that of the seats accruing to it, these candidates are elected, and the surplus seats are granted to the substitute candidates who are first in the order indicated in Article 266. Failing a sufficient number of substitutes, the distribution of the surplus is governed according to paragraph 2 of Article 263.

K (Article 266). In each list from which one or more candidates are elected, the substitute candidates who have obtained the most votes, or, in case of the votes being equal, in the order of inscription on the voting paper, are declared first, second, third (&c.), substitute without their number exceeding that of the titulars elected.

Previously to their designation the principal bureau proceeds to the individual assignment of the votes favourable to the order of presentation of the substitutes.

The assignment of votes to be distributed is effected by devolution. They are added to the nominative votes obtained by the first substitute candidate until the amount necessary to complete the "electoral divisor" is reached. The surplus, if any, is similarly assigned to the second substitute, and so on, in the order of presentation.

No assignment is made in favour of candidates presented both as titulars and substitutes, and who are already indicated as elected among the titulars.

L (Article 267). In the case of vacancy by option, death, resignation, or otherwise, if the candidates belonging to the same list as the member to be replaced have been at the time of the election declared to be substitutes, the substitute arriving first in due order enters office. Nevertheless, previously to his institution as Representative or Senator, the Chamber concerned proceeds to a complementary examination of his powers, with a view exclusively to safeguard the conditions of eligibility.

6. Articles 154 and 241 of the Electoral Code are modified as follows :—

Article 154, first paragraph. After the words "as in the case of vacancy," the following sentence is added, "when the vacancy cannot be provided for by the institution of a substitute."

Article 241, the words "as regards substitutes" are added at the end of paragraph 1.

The text of Article 243 of the Electoral Code is replaced by the following :—

"The non-retiring Representative or Senator, who, being a candidate at a legislative election, is elected, is considered as having resigned his former writ on the day

his new effective writ becomes valid, or his powers have been submitted to the examination indicated in Article 267."

7. The distribution Table of Representatives and Senators, decreed by the Law of the 12th May, 1892, is replaced by the Table annexed to the present Law.

8. The provisions of the present Law are not applicable to extraordinary elections necessitated by decease, retirement, or otherwise, which take place before the next renewal of the Legislative Chambers.

BULGARIA.

No. 4.

Sir G. Buchanan to Sir Edward Grey.—(Received July 16.)

Sir,

Sophia, July 11, 1906.

WITH reference to your Circular despatch of the 22nd ultimo, I have the honour to report that the principle of proportional representation to public elections being entirely unknown in Bulgaria, no legislative measures have been taken in this direction.

I have, &c.
(Signed) GEORGE W. BUCHANAN.

DENMARK.

No. 5.

Mr. Vaughan to Sir Edward Grey.—(Received April 8.)

Sir,

Copenhagen, March 26, 1906.

IN compliance with the instructions contained in your Circular despatch of the 22nd June last, I have the honour to transmit herewith a report which I have prepared respecting the application of the principle of proportional representation to public elections in Denmark.

As it seemed desirable for purposes of reference to furnish translations of certain extracts from the most important laws bearing on the subject, I have appended these in the form of an Annex. In further annexes I have endeavoured to explain the somewhat complicated electoral machinery for the Landsting, the constitution of the various public bodies and assemblies to which allusion is made, and the several methods adopted in Denmark for applying the principle in question.

I have purposely refrained from embodying these annexes in the Report itself as, although they might possibly prove of assistance to the uninitiated, they would, doubtless, not be required by the expert.

I have, &c.
(Signed) J. C. T. VAUGHAN.

Inclosure in No. 5.

Report on the Principle of Proportional Representation as applied in Denmark.

DENMARK was the first country to apply the principle of proportional representation, which in the form of the "electoral quotient" has been in force since the year 1855.

Four years previous to the publication of Mr. Thomas Hare's (English) work on the subject, the system had been adopted in Denmark without any preliminary discussion in the Chambers, a somewhat remarkable fact when one considers how often it has been debated in other countries without any legislative solution being reached.

It owes its origin to the promulgation by King Frederick VII on the 2nd October, 1855, of a provisional electoral law, based on a resolution passed by the Danish Parliament on the 29th of the preceding August. This law embraced the whole kingdom, and laid down the manner in which national representation was to be effected. The country was to be represented by a single Chamber, composed of deputies for Denmark proper, and the Duchies of Schleswig-Holstein, and Lauenburg, and Articles 22 to 25 of the Law provided all the necessary mechanism for giving effect to the reform. These Articles differed but slightly from Articles 81 to 84 of the Law of the 12th July, 1867, which still governs the election of members to the Landsting, as its provisions were embodied in Law No. 16 of the 7th February, 1901. The aforementioned Articles were the work of a first-class mathematician, M. Andrae, at the time in question, Minister of Finance.

The system of the electoral quotient, which the Danish Minister advocated, had not yet been popularised by Mr. Hare, who undoubtedly evolved it himself, and without any knowledge of M. Andrae's discovery. M. Andrae can nevertheless be credited with its invention, although this honour seems to have been claimed by one of Denmark's first Constitutional Ministers, M. Tscherning, who held the portfolio of war in 1848, for, during the debate in the Chamber on the 25th of November, 1863, in regard to the new electoral law, he expressed himself as follows: "I dealt with this question about twenty years ago, and I have somewhere in my possession a complete treatise from my pen with a view to proving what the Honourable M. Andrae explained to you yesterday." But in spite of this the method has remained indissolubly connected with the name of M. Andrae.

The system thus introduced by the provisional law of 1855, and subsequently frequently applied, has on several occasions received the adhesion of the Legislature. It survived the unpopular Constitution of 1855, which was abolished in 1863, and was inscribed in the new Constitution of that year. Three years later when, after the war of 1864, Denmark had lost the Duchies, it was reinserted by Parliament in the new and revised Constitution of 1866, Article 40 of which enacts that: "The election of members to the Landsting shall be made in accordance with the rules of the proportional system."

It will be noted that the text quoted above does not contemplate the exclusive use of M. Andrae's system, but merely formulates the principle. It is to the Electoral Law of the 12th July, 1867 (which revised that of the 16th June, 1849, providing for elections by a simple absolute majority), to which the Rules still in force at the present day owe their origin.

Although those who have an expert knowledge of the question of proportional representation are no doubt familiar with the various systems which may be employed, it may nevertheless not be out of place to explain the three methods which mostly obtain in Denmark with the differences which distinguish them. These three systems—those of Andrae, Hare, and D'Hondt—are therefore summarized in Annex (A).

Both in the Folkething and in the Landsting, members appointed by the Chamber of either Thing to serve on Committees, are elected according to the rules for proportional representation, should fifteen members in the Folkething or twelve members in the Landsting so desire.

In the Folkething the Andrae-Hare method has been employed since the 28th February, 1890, while in the Landsting D'Hondt's method is used in practice, although Andrae's is the one prescribed by the Regulations.

In order to understand the application of the system of proportional representation to elections for the Landsting, it may be useful briefly to pass in review the constitution of that body and the manner in which effect is given to the franchise in Denmark. These subjects are therefore treated of in Annex (B).

The special Rules of Procedure governing the final elections of members to the Landsting are to be found in sections 82 to 84 of the above-mentioned Law No. 16 of the 7th February, 1901, and form Annex (C).

These Rules lay down that in the procedure to be followed each individual voter need only write down one name on the voting paper, though not restricted to that number, and it has been further provided that each candidate of the respective parties shall only be accredited with a sufficient number of votes to ensure election.

This number, however, is not the quotient for official use, but is the quotient which works out when the number of electors is divided by the number of Landsting members who are to be chosen in the circle, *plus one* (Hare's method); and is the numerical result ("Valgtal" = election number) made use of by the party leaders as a basis for their dispositions.

Many attempts have been made in the Folkething to obtain an extension of the system of proportional election in Denmark, but for the most part without avail.

On the 4th October, 1870, the Minister of Religion, M. Hall, introduced a Bill respecting the appointment of the clergy of the National (Lutheran) Church, by which the system was to be introduced for the election by the ecclesiastical electors of the parish of the members of Commissions charged with the selection of candidates.

But this Bill was never passed.

On the 16th October, 1874, M. Tauber, a member of the Left in the Folkething, proposed that the election of the deputy electors (at present chosen by majority) who vote for members of the Landsting should, as in the case of the final elections of the members themselves, be effected by the proportional system, but this proposal was also rejected.

During the 1903-1904 Session of the Rigsdag a Bill was reintroduced by the Government, providing that in Copenhagen and the commercial towns, when several electors are to be chosen, the system of proportional election should be applied, but failed to become law.

In all the communes of the kingdom election by majority still governs elections for communal assemblies.

In February 1879 a Bill was introduced in the Folkething proposing the application of the system of proportional representation to the municipal elections in Copenhagen, and was adopted by that Chamber on the 12th February, 1880, by a majority of forty-four to nineteen, but was thrown out by the Landsting.

A slightly amended Bill to the same effect was again voted by the Folkething on the 8th March, 1881, by a majority of fifty-seven to fifteen, and was on the 31st May, 1881, referred by the Landsting to the Municipality of Copenhagen for consideration. The Municipality reported unfavourably and the Landsting voted accordingly, since when the question has remained dormant till the last Session of the Rigsdag (1906), when a Bill was reintroduced by the Government regarding communal elections, whereby it is proposed that those held for the Municipal Council ("Borgerrepræsentationskabet") in Copenhagen, for Town Councils, Tax Assessment Committees in commercial towns, and for the Parish Councils in the country shall be subject to the same conditions as are prescribed for the election of members for the Landsting. The constitution of these assemblies is briefly described in Annex (D).

Although the question of applying the rules for proportional representation to communal elections is still awaiting a final solution, D'Hondt's method is employed in elections for the Congregational Councils ("Menighedsraad") in accordance with § 6 of Law No. 86 of the 15th May, 1903 (for which see Annex E). An explanatory Circular on the subject was also issued by the Ministry of Religion and Education on the 18th September of the same year; and an Ordinance of the 13th November, 1903, treats of the question in the Farøe Islands.

The method of proportional election has, moreover, been applied to the election of members to serve on Commissions appointed by law in recent years for the discussion of matters of general interest, *e.g.*, the Commission appointed by the Law of the 7th March, 1902, for the settlement of the question of national defence; also the Commission appointed by the Law of the 27th March, 1903, to consider the question of general insurance against disablement and old age.

According to the Law of the 14th April, 1905, respecting the treatment of criminal and neglected children and young people, in addition to the other members serving on the Communal Boards of Guardians ("Vaegeraad-i-Kommunerne") constituted by this Law, two must be selected by the Municipal Councils (in Copenhagen, by what is known as the Borgerrepræsentationen), according to the rules for proportional representation.

It may be noted that, according to § 11 of the Bill, introduced by the Government in the present Session (1907), respecting relief funds ("Hjaelpkasser"), the elections to the management of the banks are to be held subject to the rules for D'Hondt's method of proportional representation.

As regards Iceland, the Law of the 10th November, 1903, provides that for elections to the Town Councils in the commercial towns D'Hondt's method of proportional election shall be employed.

In December, 1882, the Students' Association of Copenhagen ("Studentersamfundet") introduced the system into its statutes.

On the 9th January, 1883, the Minister of Public Instruction, M. Scavenius, introduced new regulations for the organization of the Academy of Fine Arts of Copenhagen, one Article of which provided that, with the exception of the President, the ten members of the Committee of the Annual Salons should be chosen by the different categories of artists by proportional election.

Annex (A).

Methods adopted for Proportional Election in Denmark.

Advocates of proportional representation hold that if two representatives are to be elected, and there are two parties of approximately the same strength, each of these parties ought to have one representative, and that only when one party is twice as numerous as the other ought it to be entitled to both. If three are to be elected, the majority shall not be entitled to all three, until it is thrice as strong as the minority, and so forth.

The three alternative systems commonly employed in Denmark to give effect to this theory are those of:—

M. Victor D'Hondt (a Belgian), who was born at Ghent on the 20th November, 1841, and was at the time he invented his system Archivist in the Commercial Court in that town. He died on the 30th May, 1901;

M. Andrae (a Dane), who was successively a Captain on the Staff, Professor of Mathematics at the Higher Military School at Copenhagen, President of the Chamber of Deputies from 1850 to 1852, Senator, President of the Council of State, and at the time of his invention Minister of Finance; and

Mr. Thomas Hare (an Englishman).

The differences of their methods will be readily seen from the following examples:—

Suppose the total number of voters or electors to be 100, divided into four parties, say A, B, C, D (A numbering 40; B, 30; C, 20; and D, 10); and that seven representatives are to be chosen; by D'Hondt's method the four numbers of voters in each party are written down next to each other. They are divided first by one, then by two, three, and so on, and the seven highest figures arrived at in this way indicate the candidates elected for each list or party; when the number of votes for two or more candidates is equal the choice is decided by drawing lots.

	A.	B.	C.	D.	
1	I. 40	II. 30	III. (IV.) 20	10	= 100
2	III. 20	V. 15	10		
3	VI. 13·3	10			
4	VII. 10				
	4	2	1		

Here it is presumed that A draw the VIIth seat.

The small numbers in Roman figures show the order of the result and—

								Seats.
The A party thus get	..	..	..	..	..	..	..	4
The B party	„	..	..	..	..	..	..	2
The C party	„	..	..	..	..	..	..	1
The D party	„	..	..	..	..	..	..	0

= 7 in all,

By Andrae's method all the numbers of voters are added together, making in the example under review 100. (= 40 + 30 + 20 + 10).

The sum (100) is divided by the number of representatives to be elected, (7) giving the quotient of $14\frac{2}{7}$.

The number of voters of each party or list is then divided by this quotient, thus :—

					Final Result.
A.	$40 \div 14\frac{2}{7} = 2\frac{8}{10}$	..	..	..	2 + highest fraction = 3 seats.
B.	$30 \div 14\frac{2}{7} = 2\frac{1}{10}$	..	..	..	2 = 2 seats.
C.	$20 \div 14\frac{2}{7} = 1\frac{4}{10}$	..	..	..	1 = 1 seat.
D.	$10 \div 14\frac{2}{7} = \frac{7}{10}$	..	..	..	0 + second highest fraction = 1 seat.

If the integral numbers do not furnish a sufficient number of representatives (and in this case they do not : 2 + 2 + 1 = 5 only), the remaining seats are consecutively allotted to whatever party has secured the largest fraction, here (A) and (D), so that—

								Seats
The A party get	..	..	..	..	..	..	..	3
The B party „	..	..	..	..	..	..	..	2
The C party „	..	..	..	..	..	..	..	1
The D party „	..	..	..	..	..	..	..	1

By Hare's method, the total number of voters is divided by the number of representatives to be chosen plus one, which gives the proportional divisor. In the example under consideration :—

$40 + 30 + 20 + 10 = 100.$
 $100 \div (7 + 1)$
 $= 100 \div 8 = 12\frac{1}{2} = \text{proportional divisor.}$
A. $40 \div 12\frac{1}{2} = 3\frac{1}{5}.$
B. $30 \div 12\frac{1}{2} = 2\frac{3}{5}.$
C. $20 \div 12\frac{1}{2} = 1\frac{2}{5}.$
D. $10 \div 12\frac{1}{2} = \frac{4}{5}.$

After the integral numbers have been allotted one seat still remains to be filled and this accrues to the party which has the highest fraction, in this case (D), with the final result that—

								Seats
The A party get	..	..	..	..	..	..	..	3
The B party „	..	..	..	..	..	..	..	2
The C party „	..	..	..	..	..	..	..	1
The D party „	..	..	..	..	..	..	..	1

To recapitulate the results according to the respective methods :—

					D'Hondt.	Andrae.	Hare.
A would receive according to	..	..	..	..	4	3	3
B „ „	..	..	..	..	2	2	2
C „ „	..	..	..	..	1	1	1
D „ „	..	..	..	..	0	1	1

At the (clerical) election of members to serve on the Special Committee appointed to decide certain ecclesiastical matters in 1904, seven members were to be elected :—

							Voters.
The High Church had	..	..	..	..	..	..	503
The Grundtvigians ..	..	..	..	..	..	..	312
The Interior Mission	..	..	..	..	..	..	249
	Total	..	..	..	..	..	1,064

The election was decided by d'Hont's method as follows :—

	High Church.	Grundtvigians.	Interior Mission.
1	I. 503	II. 312	IV. 249.
2	III. 251	VI. 156	124
3	IV. 168	104	83
4	VII. 125	78	62
Total ..	4	2	1

The High Church thus got four, the Grundtvigians two, and the Interior Mission one. The discrepancy between four seats allotted to the High Church and one seat to the Interior Mission would seem somewhat large when it is considered that the totals of their respective parties numbered 503 and 249.

Had Andrae's method been employed the result would have been :—

$$\begin{array}{r} \text{H.C.} \quad \text{G.} \quad \text{I.M.} \\ 503 + 312 + 249 = 1064. \\ 1,064 \div 7 = 152. \end{array}$$

$$\begin{array}{rcl} \text{H.C. } 503 & \div & 152 = 3\frac{47}{152}. \\ \text{G. } 312 & \div & 152 = 2\frac{8}{152}. \\ \text{I.M. } 249 & \div & 152 = 1\frac{97}{152}. \end{array}$$

The seventh seat accruing to the Interior Mission as being the party to secure the highest fraction, so that—

								Seats.
The High Church	would have got	..	..	..	..	..	..	3
The Grundtvigians	„ „	..	..	..	..	..	..	2
The Interior Mission	„	..	..	..	..	..	..	2

The Hare method would have produced the same result, viz. :—

$$\begin{aligned} 503 + 312 + 249 &= 1,064. \\ 1,064 \div 7 &+ 1. \\ &= 1,064 \div 8 = 133. \end{aligned}$$

H.C. 503 ÷ 133 = $3\frac{104}{133}$ =	3
G. 312 ÷ 133 = $2\frac{46}{133}$ =	2
I.M. 249 ÷ 133 = $1\frac{116}{133}$ = 1 + highest fraction =	2
	<hr/> 7

It would be difficult for the layman to distinguish between the merits of the various systems, but M. Frederik Bajer, a former member of the Danish Folkething and President of the International Peace Bureau (Berne) who had devoted much study to the subject, is a strong advocate of d'Hondt's method, which he maintains cannot fail to supplant the Andrae-Hare method in Denmark.

Where there are a large number of candidates for election, M. Bajer recommends the Hagenbach-Bishoff method of abbreviating the d'Hondt system. This is explained

in a pamphlet by M. Hagenbach-Bischoff, published at Bâle in 1892 by the Swiss Electoral Reform Union ("Wahlreformverein").

An acknowledgment is due to M. Bajer for the kind assistance he readily afforded in collecting material on which to base this Report.

Annex (B).

System of Election to the Landstthing.

The Landstthing is invariably composed of sixty-six members, of whom twelve are nominated by the King for life, and the remaining fifty-four are elected for eight years; seven representing the town of Copenhagen; forty-five the other districts—town and country; and one each the Islands of Bornholm and Farøe. Half of the number of elected members retire by rotation every four years. A member of the Landstthing may only be elected for a constituency in which he resides, whereas a member of the Folkething may be elected for any constituency.

The process of election is somewhat complicated :—

By § 49 of Law No. 16 of the 7th February, 1901, the Danish representative area is divided into twelve electoral circles, each with a specially determined number of representatives. The section reads as follows :—

"§ 49. Besides the twelve members elected by the King, there shall be fifty-four members, who shall be chosen from the following electoral circles :—

Zealand	{	1st Circle	..	..	The city Copenhagen elects	..	..	7
		2nd	..	..	Copenhagen, Frederiksborg, and Holbeck	..	..	8
		3rd	..	..	Soro and Praestö counties	..	..	5
Bornholm	..	4th	..	..	Bornholm county	..	..	1
Lolland	..	5th	..	..	Maribo county	..	..	3
Funen	..	6th	..	..	Odense and Svendborg counties	..	..	7
		7th	..	..	Hjorring and Aalborg counties	..	..	5
Jutland	{	8th	..	..	Thisted and part of Viborg counties	..	..	4
		9th	..	..	Aarhus Randers and part of Viborg counties	..	..	6
		10th	..	..	Vejle, Skunderborg, and part of Ribe counties	..	..	4
		11th	..	..	The rest of Ribe county	..	..	3
Farøe	..	12th	..	..	The Farøe Islands	..	..	1
Total		..	..	..				54

These electoral circles, or districts, are subdivided into "parishes," whose smaller individuality is retained for certain purposes, while for others it is merged in the larger division of the "circle."

In each circle there are two classes of electors :—

1. Those who are direct electors and themselves vote for the candidate; and
2. Those who are chosen as deputy-electors by a majority vote of such persons as enjoy the franchise for elections to the Folkething.

But this does not apply in the case of Copenhagen, where the system of election differs from that in the rest of the country; the final elections in that city being made entirely by deputy-electors, who are chosen as follows :—

All those who enjoy the franchise for elections to the Folkething vote also for a certain number of these deputy-electors. Voters who are taxed on a yearly income of 4,000 kroner (222*l.* 4*s.* 6*d.*) also choose an equal number of them, and the deputy-electors in turn choose seven members for the Landstthing.

In places other than Copenhagen the final elections are made by electors, half of whom are deputy-electors having been chosen by a majority vote of those who enjoy the franchise for elections to the Folkething, and the other half of whom are direct electors in virtue of their being the most highly-assessed taxpayers in the respective circles.

The former half are chosen one for each parish, but in the case of the latter half (or direct voters in virtue of assessment) the parishes in the respective circles are "pooled" as it were, and the circle as a whole furnishes such a number of direct voters as

corresponds to the number of parishes in that circle; these voters being the most highly-assessed taxpayers in the circle as a whole, irrespective of the parishes, except in so far that their numbers correspond, as already explained.

Annex (C) contains the special rules governing the final election of members to the Landstthing.

It should be added that the commercial towns in a circle furnish half the number of final electors corresponding to the number of parishes in the circle; these final electors consisting of the two classes above mentioned (half direct and half deputy).

Annex (C).

Rules of Procedure in Final Elections to the Landstthing.

Law No. 16 of February 7, 1901.

(Translation.)

§ 82. The elections are held in accordance with the rules for proportional representation in the following manner:—

The voting is effected by the voter writing down the names on the voting paper which he has received, *vide* the foregoing §. A voting paper is valid even if only one name has been written on it. The voters have to hand the voting papers to the President of the Voting Committee, in the order prescribed by the Voting Committee. He (the President) receives all the voting papers and counts them over. The number is then divided by the number of the members of the Upper House, who are to be elected for the circle. The proportional figure, without considering the fraction, is then taken as the basis for the election.

The voting papers are next placed in an urn made for the purpose and mixed. They are then taken out one by one by the President, who provides them with a consecutive number and reads aloud the first name on each, while at the same time two other members of the Voting Committee take down the names in writing. The voting papers on which the same name figures at the top are then laid aside together, and, as soon as a name has occurred such a number of times that the votes for it have reached the proportional figure mentioned above, the reading is stopped. When, on counting the voting papers, it is found that the number of votes written down is correct, the person in question is declared elected. The voting papers which have been counted over in this way shall not be further considered for the time being.

The reading of the remaining voting papers is then continued, but, where the name of the person already elected is found at the top, it is struck out and the next name is considered as figuring first. As soon as the above-mentioned number of votes is again reached the same proceeding is repeated, and when this election has been thus completed, the reading is again continued in the same way as already described; the names of those who are already elected being erased when they are found at the head of the list, till all the voting papers have been examined.

§ 83. Should nobody be elected in this manner, or in any case not the total number required for the circle, a scrutiny is made as to who has obtained the highest number of the votes read out, and the remaining elections are decided according to the majority found in this way; provided, however, that nobody shall be considered elected, who has not obtained more votes than half of the above-mentioned proportional number. In the event of an equal number of votes being cast, the choice is decided by drawing lots.

§ 84. Should it happen that all the necessary Representatives have still not been obtained in this manner, the reading of all the voting papers handed in is repeated, until a sufficient number of names, figuring at the top of the papers, of men who have not yet been elected, has been selected, to fill the vacant seats. The election is then decided by an ordinary majority of the votes obtained in this manner. In the event of the number of votes being equal the choice is decided in this case also by drawing lots.

Annex (D).'

Constitution of Danish Provincial, Municipal, and other Bodies.

There are in all twenty-one Communal Councils, the members of which are elected for a period of six years, and are chosen partly by the Parish Councils, and partly by the most highly assessed taxpayers in the communes.

The Municipal Council of Copenhagen is constituted as follows :—

The "Overpresident," appointed for life by the King ;

Four "Burgomasters," elected for life by the "burgher-representatives" and approved by the King ;

Four "Raadmaend" (Councillors) elected by the "burgher-representatives" for a period of six years.

These nine form the Magistracy and manage the affairs of the Municipality together with thirty-six "burgher-representatives" who control the finances. Six of the latter retire each year by rotation and six others are elected for a period of six years.

All male citizens over 25 years of age who have an income of 1,000 kroner (55*l.* 4*s.* 6*d.*) or over can exercise the municipal franchise.

The Town Councils consist of from seven to nineteen members, always an odd number, who are elected for six years, the larger portion being elected by all the taxpayers over 25 years of age, the smaller portion by the highest taxed fifth of the population, but provision is made to increase this number should the taxes paid by them not amount in the aggregate to two-thirds of the total assessment of the whole town.

The Town Council controls the finances of the town and superintends municipal matters. It also assesses the municipal taxes subject to certain reservations.

The Parish Councils, of which there are 1,100, manage the business of the parishes, especially schools and poor relief. Contrary to the procedure adopted for the Town Councils, the larger portion of the Parish Council is elected by the highest taxed fifth of the inhabitants. The members elect their own Chairman among themselves for a period of six years.

The work of the Parish Councils is supervised by the Communal Councils and some of their Resolutions have to be sanctioned by the Communal Councils.

The Congregational Councils ("Menighedsraad") deal entirely with ecclesiastical matters, some of them having the right to elect their own pastor, subject to the approval of the Minister of Public Worship, but in that case he must be entirely supported by voluntary contributions and independent of State aid. Voters for the Congregational Councils have to be registered on a special list, and that no great zeal is shown in the matter is demonstrated by the fact that, out of about 1,000,000 who are entitled to figure in the list, only about 335,000 have claimed registration, while only about 155,000 have exercised their right to vote.

Annex (E).

Law No. 86 concerning Elections for the Congregational Councils of May 15, 1903.

(Translation.)

§ 6. The election takes place during the last half of the month of December, and is held in one of the schools of the circle of the Congregational Council or other suitable premises available for the purpose.

The election is managed by a Voting Committee. The voter can only exercise his right to vote by appearing personally. The voting is done in writing, is secret and carried out in accordance with the rules for proportional representation. The voting is effected by means of lists, in which the names are entered, of certain persons who are proposed for election. The Ministry of Religion and Education issues further rules as to how the election is to be conducted.

The election is valid for six years from the 1st January, 1904.

The validity of an election ceases when the person loses his qualifications for voting and for election in accordance with § 4. Should a person in the course of the period for

which he is elected move from one parish district to another, or in Copenhagen or the provincial towns from one parish to another, this shall not necessitate his retirement from the Congregational Council.

Simultaneously with the election of members for the Congregational Council substitutes are also elected who shall enter the Council in case any member should leave during the period for which he is elected. The number of substitutes elected shall equal at least half the number of members. Their election is effected according to the same rules as the election of the members of the Congregational Council. The substitutes shall enter the Council in the order of priority in which they are respectively elected.

F R A N C E .

No. 6.

Sir F. Bertie to Sir Edward Grey.—(Received July 13.)

Sir,

Paris, July 11, 1906.

I HAVE the honour to transmit herewith a Report drawn up by Mr. Ovey on the subject of the principle of proportional representation in public elections, which was called for by your Circular despatch of the 22nd ultimo.

I have, &c.
(Signed) FRANCIS BERTIE.

Inclosure in No. 6.

Report by Mr. Ovey on Proportional Representation.

THE only application of the principle of proportional representation to public elections, whether national, provincial, cantonal, municipal, or otherwise in France, exists in the case of the elections to the Chamber of Deputies.

By the Law of the 13th February, 1889, each administrative arrondissement in the Departments and each municipal arrondissement in the cities of Paris and Lyons, of which the population exceeds 100,000, has the right to elect one additional Deputy for each 100,000 or each fraction of 100,000 of its population.

Hence an arrondissement of 100,001 would have the right to elect two Deputies. Thus the number of the Deputies, unlike that of the Senators, tends to increase with the increase of the population of the country, and, in fact, since the passing of the Law of 1889, there has been an increase of thirteen Deputies owing to the expansion of different arrondissements.

An arrondissement, the population of which has at one time exceeded 100,000, and has since fallen to below that number, has the right to elect one member only.

The census takes place every five years, and has to be verified by law before the resulting changes in the number of inhabitants in a given arrondissement entitle that arrondissement to a greater or less number of representatives in the Chamber of Deputies.

This year the census took place in March, and, owing to the above Regulation, had no effect on the elections of May last, which were carried out in accordance with the Census of 1901.

An arrondissement possessing over 100,000 inhabitants is divided into circonscriptions (made up of groups of cantons), each of which elects a Deputy. These circonscriptions have only approximately the same population; *e.g.*, Lille, with 811,654 inhabitants, elects nine Deputies, one for each of its circonscriptions, the populations of which vary from 54,035 to 124,656.

The "tableau" or list of these circonscriptions can only be altered by law.

Hence, since the Law of the 13th February, 1889, there have been three rearrangements of the electoral circonscriptions by the Laws of the 22nd July, 1893,

6th April, 1898, and 30th March, 1902, in each of which cases arrondissements have lost or gained Deputies.

By the first Law of 1893, confirming the Census of 1891, the arrondissements of Guéret, Saint-Étienne, Lille, the sixth and eighth arrondissements of Paris gained a new Deputy each, and the arrondissements of Carcassone and Montauban lost one each.

Guéret lost its additional Deputy by the Law of 1898 confirming the Census of 1896, as did also six other arrondissements.

Seven, however, gained a new one apiece—one of them being Amiens, which elected three instead of two, but lost the third again in 1902 by the Law confirming the Census of 1901.

Two other arrondissements lost a member on this occasion, and thirteen gained a new one.

A Bill proposing the introduction of the system of proportional election to the Chamber of Deputies is to be brought forward this year in the Chamber of Deputies, but is understood to have very little chance of passing, the principal argument against it being the lack of practicability and the difficulty of settling the details of such a measure.

An attempt was made quite recently during the present Session to introduce proportional representation in the formation of the different Committees in the Chamber of Deputies, but the suggestion was vetoed by a considerable majority.

GERMANY.

No. 7.

Sir F. Lascelles to Sir Edward Grey.—(Received August 13.)

Sir,

Berlin, August 1, 1906.

WITH reference to your Circular despatch of the 22nd June, I have the honour to inclose herewith a copy of a report which I have received from Dr. Jablonski, Assistant to the Legal Advisor to His Majesty's Embassy, together with a translation of the inclosure to this Report.

As you will doubtless observe, the nearest approach to a system of proportional representation in Germany is in force in the election of the "Wahlmänner" for the "Abgeordneten House" elections, but these elections are carried out on the three-class system, whereby the original electors are divided into three classes, according to the amount of taxes paid by them, each class then electing an equal number of "Wahlmänner." The result is that the class paying the highest taxes elect a far larger number of such "Wahlmänner" in proportion to their own numerical strength than does the second class, which in its turn elects a number of "Wahlmänner" out of all proportion to its numerical strength.

Though, therefore, the original election on the system of "Listenwahl" allows of minorities being represented amongst the "Wahlmänner" of each class, yet when all these "Wahlmänner" meet together to elect the actual Deputies, the representatives of the majority of Classes I and II far outnumber the representatives of the far more numerous majority of Class III, and the principle of proportional election falls to the ground.

The Würtemberg Bill for proportional representation never became law, but is inclosed as the only example of an attempt in this direction.

I have, &c.
(For Sir Frank Lascelles),
(Signed) GRANVILLE.

Inclosure 1 in No. 7.

Report by Dr. Jablonski.

THE question as to the application of the system of proportional election at the public elections in Germany is to be answered as follows:—

The principle of proportional election, which has for its object the granting of representation not only to the majority but also the minority, and to apportion the Deputies of the various political parties according to the number of votes actually given by them, has not found as yet legal application in any part of Germany.

The system of proportional representation is in most cases based upon the principle of "Listenwahlen," that is to say, upon the standpoint that more than one Deputy is to be elected in one district, who are mostly to be elected in one ballot.

It is very rare that the said system is based upon the principle of single election, by which every Deputy is elected in a special district. An electoral system based upon the last-mentioned principle has been proposed by Thomas Hare, an Englishman ("The Election of Representatives," London, 1873), and has been introduced into Costa Rica and in Tasmania. A similar system to that of Hare exists in Denmark.

In so far as the proportional system has already been introduced into other countries, as is the case in Switzerland, in Belgium, and in Servia, it is based on the principle of "Listenwahl." In Germany, however, the system of the single vote election is almost everywhere in force. On this principle the proceedings for election to the German Diet, like those of the greater part of the Federal States, are based.

Only in a few Federal States, as for instance in Prussia, a kind of "Listenwahl" is applicable, but this is only for certain districts, and only in the case of the election of "Electors" ("Wahlmänner") for the Prussian House of Commons.

In consideration of the prevailing acceptance of the system of single election in Germany, the system of proportional election has not been hitherto introduced.

The first and only attempt to introduce such proportional elections is represented by a Bill brought in by the Würtemberg Government in the year 1897, a copy of which I beg to inclose.

The Bill is based upon the principle of the so-called bound lists; *i.e.*, the voter can only vote for the whole of any one of the proposed lists, and must not deviate from this. He can only point out by a mark of preference, or the succession of the names, those persons to whose election he attaches special importance.

The Bill, which formed part of a great reform of the Constitution, had in view the election of twenty-one Deputies by way of proportional election for the four separate districts of the country, which Deputies were to be added to those who were elected by the old election proceedings.

This whole constitutional reform, however, was rejected by the Parliament, and thus the system of proportional election fell through. The most essential principle of the system is contained in Article I, 15 ff., as will be seen from the inclosed copy of the Bill.

In theory the expediency of the system is still severely contested by German social economists. Some of them recommend the system of the proportional election, at least, for municipal elections, but hitherto the municipalities have not responded.

(*Pro* Dr. Schneider),
(Signed) MAX JABLONSKI.

Berlin, July 31, 1906.

Inclosure 2 in No. 7.

Proposed Wurtemberg Bill.

(Translation.)

ARTICLE 1. The twenty-one members of the Chamber of Deputies, mentioned in § 133, sub-section 3, of the Constitution, of whom seven come from the Necker Circle, five each from the Black Forest and Danube Circles, and five from the Jagst Circle, are simultaneously elected in each Circle for a whole electoral period, in accordance with the principle of proportional representation of the electors.

Art. 2. The election is arranged by the Home Office. At the earliest it takes place twenty days after the day fixed for the general election of Deputies for towns and chief bailiwicks.

Art. 3. The election is proceeded with on the basis of the same electoral lists, with the same polling districts and, without prejudice to the regulations concerning the Constituency Commissions ("Kreiswahlkommissionen"), with similarly composed Election Commissions as in the preceding elections of the Deputies of the towns and chief bailiwicks ("Oberamtsbezirke").

Art. 4. In each Circle, at the seat of the Circle Government, a Constituency Commission is formed for the election.

It consists of a Chairman and two members, who, together with two representatives of the Ministry of the Interior, are selected from the members of the Circle Government.

The Commission is allotted a Secretary ("Protokollführer") and the necessary number of assistants.

To form a working quorum it is necessary that all the members or their representatives should be present. The resolutions are decided upon by a majority of votes.

Art. 5. A candidate can be elected if, after the publication of the writ in the Government "Gazette," he has been nominated in accordance with the regulations at least ten days before the day of election. In calculating this period the Regulations of the Civil Law ("Bürgerlichen Rechts") are decisive.

The nomination list may only contain in the Neckar district at the most ten candidates, in the Black Forest and the Danube districts at the most eight, and in the Jagst district at the most seven candidates, and must give the candidate's Christian name, surname, profession, and residence.

The nomination must be signed by at least fifty persons entitled to vote, and must clearly indicate the electoral Association by which it is put forward, according to the party to which it belongs, or some other distinguishing characteristic.

Each nominated candidate must declare in writing his readiness to accept election. A candidate may only be nominated once, otherwise his name will be struck off all the lists.

The nomination lists are to be handed in to the Chairman of the Constituency Commission.

A fee of 20 marks must be paid for each candidate nominated, and the signatories of the nomination list are responsible as collective debtors for the nomination fees.

Art. 6. Every electoral Association, which hands in a nomination list, has at the same time to indicate to the Chairman of the Constituency Commission a representative resident at the seat of the Commission.

It is his right and duty, in the name of the electoral association to make in a legally binding manner explanations necessary in order to remove any objections to the nomination list. He may also be present as a witness when the result of the voting is being determined.

Art. 7. The nomination lists are examined by the Constituency Commission, and any objections cleared up in conjunction with the representative. (Article 6.)

If within the period (Article 5, paragraph 1) no more candidates are nominated than the number of Deputies to be elected for the district (Cf. Article 1), these are to be considered as elected, and there will be no polling.

Otherwise, after the lapse of the period and after the nomination lists have been examined, the Constituency Commission will at once cause the voting papers to be prepared and the nomination lists to be published in all the parishes of the district.

Art. 8. The voting papers contain an unaltered printed reproduction of one nomination list each and the distinguishing designation of the Electoral Association, which has handed it in.

All the voting papers are officially prepared for each district in the same form of paper, of the same colour and appearance, and provided with a stamp.

The requisite number of voting papers for each nomination list are prepared and delivered in good time to the District Electoral Commission ("Distriktwahlkommissionen").

Art. 9. Articles 9 (section 3), 12, 13 (sections 2 and 3), 13A, 14 (sections 1, 2 and 4), 15, 16, 18A of the Landtag Election Law of the 26th March, 1868 (16th June, 1882) as amended by Article 1 of the Law of . . . relative to alterations of this Landtag Election Law apply, were appropriate, to the voting.

Art. 10. In voting the elector must decide upon one of the nomination lists reproduced upon the voting papers and give expression to this decision by placing the corresponding voting paper unaltered in the ballot-box.

In addition the elector is justified in giving the preference to a candidate on the nomination list he selects by placing against his name a sign (cross, circle, triangle, or the like).

Art. 11. In order to record his vote, each elector must personally, in the polling station of his voting district, receive directly from the Presiding Officer an officially stamped envelope, then go to a special table and there take one of the voting papers (Article 8) from among all the nomination lists and put it unaltered, except for the preference sign (Article 10, section 2) left to his choice, in the envelope, and as soon as his name has been marked on the list of electors, himself place the envelope in the ballot-box.

Art. 12. Voting papers which have not been placed in the ballot-box in accordance with the legal regulations are not valid and must not be counted.

If, however, the sign (Article 10, section 2) intended to show preference for a candidate has not been made in the legally prescribed manner then the invalidity is limited to this preferential sign.

Art. 13. After determining the number of voting papers found in the ballot-boxes and the number of votes given by the electors (Article 16 of the Landtag Election Law), the District Election Commission will determine the result of the voting.

First the votes given for each nomination list are counted.

One of the members of the Commission opens each envelope, unfolds the voting paper found in it, and hands it to the Chairman, who, after reading aloud the distinguishing description, passes it on to another member, who keeps all the voting papers cast for each nomination list separate.

The Secretary ("Protokollführer") writes the description of each nomination list in the records ("Protokoll"), and notes under each the votes given for the nomination list counting them aloud. In like manner one of the members keeps a check list, which, together with the list of electors used for marking off those who have voted, is to be signed at the conclusion of the election proceedings by the District Election Commission and attached to the records.

In a similar manner it is next determined from the voting papers, which have been kept separate, how many preferential marks on each nomination list have been given for individual candidates.

Art. 14. The validity or invalidity of the voting papers is decided, subject to examination by the Constituency Election Commission and the Chamber of Deputies, by the District Election Commission, according to the majority of votes of the members present.

In the records the reasons, upon which a declaration of invalidity has been made or not, are briefly given.

All votes cast and the election records with all the documents connected therewith are to be sent to the Constituency Election Commission properly sealed by the presiding officer without delay, in any case, however, in time enough to arrive in the course of the day following the election.

Art. 15. After the voting papers and the election records have been received, the result of the election is to be determined at once by the Constituency Election Commission, and made publicly known at the latest within a week after the election day.

The records of the elections in the various voting districts are examined, the decisions of the District Election Commission tested, and, if necessary, corrected.

The number of votes cast for the various nomination lists in the whole constituency is then ascertained, as well as the number of preferential signs accorded to individual candidates in the whole constituency.

Then the seats of the Deputies (*cf.* Article 1) in accordance with Article 16, are distributed among the various nomination lists, and finally in accordance with Article 17, it is ascertained who are elected.

The essential points of the voting results, especially the number of the electors, as well as the valid and spoilt votes recorded by them, the number of the votes or preferential signs recorded for the individual nomination lists and candidates, the distribution number, those elected, and any objections against the election in the various voting districts, are to be entered in the records and signed by the members of the Commission and the Secretary.

The representatives of the electoral associations (Article 6) are to be invited to the sittings of the Constituency Commission intended for the determination of the election result.

Art. 16. The Deputies' seats in each constituency are to be distributed among the nomination lists (Article 5) in proportion to the number of votes recorded for them.

This is done in the following way: The number of votes cast for each nomination list are divided in order by one, two, three, four, &c., and the resulting quotients arranged according to magnitude. That number, which in this series occupies the place corresponding to the number of Deputies' seats of the constituency (Article 1) is the distributing number.

Each set of votes cast, for a nomination list, totalling a number equal to this distribution number, justifies the claim to a seat. Hence the number of votes cast for each nomination list if divided by the distribution number gives a quotient, which determines the number of seats accorded to the nomination list.

Should the total of these quotients be greater than the number of Deputies, then it is decided by lot which of the equally entitled nomination lists must forego the claim to seats.

Art. 17. In distributing the seats falling to the nomination lists among the nominated candidates, the number of the preferential signs accorded to the candidates on the various nomination lists is decisive, and if these numbers are equal, or if preferential signs are lacking, the order of the nomination list is decisive.

Candidates, found to be ineligible, are regarded as not nominated.

Art. 18. If elected Deputies are prevented from entering the Chamber of Deputies, or if they retire in the course of the electoral period, then the candidates on the same nomination list take their places. The order is determined in accordance with Article 17.

There can be no by-elections.

The election records and the voting papers are to be carefully preserved till the close of the electoral period.

Art. 19. Simultaneously with the public proclamation of the result of the election, the Constituency Election Commission will send a certified copy of the records (Article 15, Section 5) to the Committee of the Chamber ("Standischen Ausschuss") and the Ministry of the Interior.

For the elected these records take the place of the election documents (*cf.* Article 20 of the Lantag Election Law).

Art. 20. With regard to the invalidity of the election, the credentials of the elected and the election expenses, Articles 21, Sections 1, 22, 25 and 26 of the Lantag Election Law receive appropriate application.

In order to remedy considerable lack of election experience in individual voting districts, the Ministry of the Interior is to order a repetition of the voting on the basis of the same electoral lists if called upon by the Chamber of Deputies to do so.

Art. 21. The present Law comes into force at the same time as the Constitutional Law ("Verfassungsgesetz") of relating to alterations in the IXth Chapter of the Constitution.

Our Ministry of the Interior is charged with the carrying out of this Law.

Given, &c.

GREECE.

No. 8.

Mr. Young to Sir Edward Grey.—(Received August 27.)

Sir,

Athens, August 12, 1906.

IN reply to your Circular of the 22nd June, requesting to be furnished with a Report showing what legislative measures have been taken in Greece for the application of the principle of proportional representation to public elections, I have the honour to inclose a Memorandum on the system of election in force in this country.

No other system has been attempted, and its principle applies equally to the national, municipal and other elections.

I have, &c.
(Signed) ALBAN YOUNG.

Inclosure in No. 8.

Memorandum on the System of Election in force in Greece.

THE system in force for the election of the 167 members which, since the new law of 1906, will constitute the Greek Chamber, is the following :—

Greece is divided into twenty-six Prefectures, which form the electoral districts. To each Prefecture is allotted a number of Deputies, calculated at one for every 16,000 inhabitants, and one more if the fraction is over 5,000.

The method of voting is as follows :—For each candidate is allotted at the polling stations one ballot-box, and every man who votes has to cast a ball into the “yes” or “no” division of each ballot-box. The “yes” votes are counted, and those candidates are elected who have the majority of affirmative votes. The “noes” are also counted, but only for the purpose of verifying that no voter has placed more than one ball in any “yes” division.

HESSE-DARMSTADT.

No. 9.

Mr. A. C. Grant Duff to Sir Edward Grey.—(Received July 19.)

Sir,

Darmstadt, July 17, 1906.

WITH reference to your Circular of the 22nd ultimo I have the honour to transmit a translation of a note in which M. Krug von Nidda, the Acting Hessian Minister of State, points out that the principle of proportional representation has only been applied in the Grand Duchy to the election of Assessors in commercial and industrial Tribunals for the settlement of trade disputes.

I also annex a Memorandum which I have prepared embodying the Articles contained in the Regulations inclosed in his Excellency's note which bear on the subject of proportional representation.

Baron von Marschall, the President of the Ministry for Foreign Affairs of Baden, has informed me that so far the principle of proportional representation has not been introduced into the neighbouring Grand Duchy in any form.

I have, &c.

(Signed) A. C. GRANT DUFF.

Inclosure 1 in No. 9.

M. Krug von Nidda to Mr. A. C. Grant Duff.

(Translation.)

Sir,

Darmstadt, June 11, 1906.

IN reply to your note of the 26th ultimo, I have the honour to inform you that proportional representation has so far only been applied in Hessen in the case of the election of Assessors in Commercial and Industrial Tribunals. In the latter case proportional representation is compulsory by Article 12, § 2, of the Law respecting Commercial Tribunals of the 6th July, 1904. As regards the election of Assessors in Industrial Tribunals, the application of proportionate representation is declared to be optional by Article 15 of the Imperial Law on the subject of the 29th July, 1890 (in the wording of the 30th June, 1901). A number of Hessian Industrial Tribunals have lately introduced proportional representation.

I beg to inclose copies of three sets of Regulations.* The passages relating to proportional representation are underlined.

* Not printed.

Notwithstanding the short time which has elapsed since the system came into operation, the results may be described as satisfactory.

Proportional representation has, so far, not been applied in the case of the election of members of the Second Chamber of the Hessian Diet.

I avail, &c.
(For the Minister of State),
(Signed) KRUG.

Inclosure 2 in No. 9.

Memorandum on Proportional Representation as applied in the Election of Assessors in the Commercial Tribunals at Mainz and Worms, and in the Industrial Tribunal at Giessen.

1. *Mainz*.—This Tribunal has been established in the city of Mainz and district for the settlement of disputes between persons engaged in trade on the one side and their employés or apprentices on the other. The President and his Deputies are chosen by the Town Council for a period of three years. The number of Assessors is twenty-six, but this number may be increased or diminished by the Town Council at the instance of the Commercial Tribunal, such increase or diminution taking effect at the beginning of the following electoral period. The Assessors are elected for two calendar years. The election takes place under the supervision of an Electoral Committee consisting of the Burgomaster, or his representative, as Chairman, and of six other persons selected by the Town Council, of whom three are persons engaged in trade and three employés. The members of the Electoral Committee receive remuneration.

The day and place of the election is declared by the Chairman, who must at the same time invite persons engaged in trade and employés entitled to vote to send in lists of candidates. Each list must contain as many names of eligible persons engaged in trade or employés as there are Assessors to be elected, and must be signed by not less than twenty electors. These lists must be sent in at least two weeks before the date of the election. An elector can only sign one list. Each list must have a heading exactly specifying the group of electors by whom it is drawn up (Article 7).

The election is public; voting is direct and secret. "The election takes place between 10 A.M. and 5 P.M. An elector must vote in person. The voting paper must be in manuscript or copied from manuscript. The voting paper must not contain more names than there are Assessors to be elected, and must correspond in its heading to one of the lists of candidates previously handed in. The names can be taken from any of the lists of candidates as desired" (Article 8).

Every valid voting paper counts in favour of the authorized list of candidates, the heading of which is in agreement with the heading of the voting paper. The persons proposed in each group are held to be elected whose number bears the same relation to the total number of Assessors to be elected as the number of valid votes given for the list does to the total number of valid voting papers. If in the course of the count fractions are found to exist, the seats which are not filled up are to be assigned to those lists which exhibit the highest fractional number. If the fractions are equal, the Chairman shall decide by drawing lots.

The persons to be selected from each list of candidates shall be determined according to the number of votes. If the number of votes is equal, the Chairman shall decide by drawing lots. If the same person is proposed in several groups, he shall be held to have been elected in that in which he has received the most votes; but those votes are held to be in his favour which are contained in the voting papers given for him in the other lists.

If an equal number of votes is given for one person in the several groups, the lot drawn by the Chairman decides as to the group in which he shall be held to have been elected. (Article 12.)

If an elected person gives good grounds for refusing to serve, or if his election is subsequently invalidated, the candidate who may have received the next greatest number of votes shall be held to have been elected in his stead; if the number of votes is equal, the Chairman shall decide by drawing lots. This shall also apply when an Assessor ceases to act during the continuance of an electoral period, but in this case it

is the President of the Commercial Tribunal who shall decide in the event of the number of votes given being equal.

2. *Worms*.—The Commercial Tribunal of Worms consists of a President and two Vice-Presidents, and twenty-four Assessors, who are elected for a period of six years. Separate lists of the persons engaged in trade, and of the employes entitled to vote, must be drawn up in the first instance by the Burgomaster, and subsequently by the Commercial Tribunal; and before the election takes place, lists of the candidates proposed as Assessors must be sent in to the office of the Burgomaster by each group of electors, the persons engaged in trade and the employes appearing in separate lists. The list of the candidates must be signed by twenty electors of an electoral group.

An Electoral Committee, consisting of the Burgomaster or his representative, two persons engaged in trade, and two employes superintends the election of Assessors. Two registers must be kept while the election is being held, one for persons engaged in trade and the other for employes.

The right of voting is exercised by means of unsigned voting papers. Only those voting papers are held to be valid which contain the same names as a list of candidates proposed by either body of electors (the “*Kaufleute*”—persons engaged in trade—or the “*Handlungsgehülfe*”). A declaration of the number of the list of candidates is sufficient. The voting urns of the two electoral bodies must be separate. The result of the election is ascertained in a manner nearly similar to that prevailing in the election of Assessors at Mainz.

3. *Giessen*.—The Industrial Tribunal at Giessen consists of a President, two Vice-Presidents (elected by the Municipal Council for three years), and twenty-four Assessors, of whom twelve are elected by employers of labour, and twelve by the workers for three years.

The election is under the superintendence of the Burgomaster, or his representative, as Chairman, and a Committee of eight, consisting of four employers and four workers.

The election shall be carried out in accordance with the principles of proportional representation. The employers and workers must send in their lists of candidates separately. Each list must contain twelve names, and must be signed by at least twenty electors of the particular electoral body.

Every electoral paper which is in agreement with a list of candidates or on which not more than one-third of the names contained in the list of proposed candidates is struck out or replaced by others is held to have been given in favour of the list in question. All other valid voting papers are regarded as forming a separate list (supplementary list) and are separately counted.

It is thereupon ascertained how many valid voting papers have been cast altogether and how many fall to the share of each list of candidates and to the share of the supplementary list.

The persons inscribed on each list are held to have been elected, the number of whom is proportionate to the total number of Assessors to be elected in the same degree as the number of voting papers apportionable to the list is proportionate to the total of the valid votes given. If fractions are found to exist at the distribution the remaining seats are assigned to the list the proportionate number of which (seats) exhibits the greatest number of remainders; in the event of equal remainders lots are to be drawn.

The office of the Burgomaster shall address a written request to persons who appear as candidates on several lists to state to which list they desire to be assigned. If no answer is received before the expiration of the period of election they are held to have been assigned to the list on which they stand highest, or if their place is the same on several lists they are to be assigned to the list which is first handed in.

The persons held to be elected within the individual lists of proposed candidates are determined as follows: the votes given for persons appearing on the voting papers given for the other lists, including the supplementary list, count in favour of the same persons when they appear on several lists. On the other hand, a corresponding number of votes is deducted from those given in favour of candidates on a list if their names are struck out on single voting papers given in favour of the list in question. Those persons are held to be elected who have received the largest number of votes after the necessary additions and deductions have been made. If the number of votes is equal the order of names on the list of candidates handed in is the determining factor.

In the supplementary list the number of votes which is to be ascertained as laid down above, determines the order of the successful candidates, and if there is an equality of votes, the final result must be determined by lot.

I T A L Y .

No. 10.

Sir E. Egerton to Sir Edward Grey.—(Received July 16.)

Sir,

Rome, July 11, 1906.

IN answer to your Circular of the 22nd ultimo, I have the honour to inclose herewith a report for which I am indebted to Mr. Cheetham on the application of the principle of proportional representation to public elections in Italy.

I have, &c.

(Signed) EDWIN H. EGERTON.

Inclosure in No. 10.

Report on Proportional Representation at Public Elections in Italy.

THERE is no instance in Italy of the direct application of the principle of proportional representation to public elections. Projects in this sense have been drawn up by professors, but the question has never been brought before Parliament, and there is no movement of public opinion in its favour.

However, from 1882 to 1891 the Parliamentary elections were held on a system of "Scrutin de Liste," by which the electoral colleges returned various numbers of deputies. If the college returned four or five members, the elector could only vote for four names; if the college returned three, the elector voted for three; and if two, for two. In the first of these cases the fifth member elected would represent a minority. The system was abolished because it was found that ignorant electors did not understand it.

The present system is that each of the 508 electoral colleges elects one member.

In provincial and municipal elections a system is in force similar to the one just described as once existing for national elections. When the number of Councillors to be elected is five or more (one-third of the members of a Provincial or Municipal Council have to retire every two years), every elector may vote for four-fifths of the number of candidates required to fill the vacancies (or the next highest number, if four-fifths is a fraction). The majority, therefore, can only return four-fifths of their candidates, and the remaining places are secured by the minority. As an illustration of this, a recent municipal election at Milan may be quoted. There were twenty-seven Councillors to be elected, and the Conservatives obtained twenty-two places, or four-fifths. The popular party secured the remaining five seats. Without the minority rule they would probably have been unrepresented as their poll was 3,000 less than that of their adversaries.

The system is considered to work very successfully. The minorities often provide useful men, and the absolute control of a single party is checked. It is obvious that the same result would probably be obtained by dividing the towns or provinces into wards or districts, each of which returned one member.

Such as they are, however, the above appear to be the only instances in Italy of the application of the principle of proportional representation in elections.

NETHERLANDS.

No. 11.

Sir H. Howard to Sir Edward Grey.—(Received July 16.)

Sir,

The Hague, July 12, 1906.

WITH reference to your Circular despatch of 22nd ultimo, I have the honour to report that, in reply to an inquiry on the subject addressed to the Netherland Minister for Foreign Affairs, I am informed that the principle of proportional representation at public elections has not yet been adopted in the Netherlands.

I have, &c.

(Signed) HENRY HOWARD.

No. 12.

Sir H. Howard to Sir Edward Grey.—(Received July 30.)

Sir,

The Hague, July 28, 1906.

WITH reference to your Circular despatch of the 22nd ultimo, I have the honour to report that I have received a note from M. Eyschen informing me that the question of the introduction of the system of proportional representation at public elections is being examined by the Luxemburg Government, and that a general Report drawn up by his Excellency on that system, of which a précis translation is herein inclosed, has been submitted to the Council of State of the Grand Duchy.

I have, &c.

(Signed) HENRY HOWARD.

Inclosure in No. 12.

Report on Proportional Representation at Public Elections in Luxemburg.

Report before the Conseil d'État, who are studying the question with a view to adopting Proportional Representation as an Electoral Reform.

UNDER the system of proportional representation, in a case where there are 7 seats to distribute among 3 parties, whose votes are in the proportion of 4—2—1, the preponderating party would secure 4 seats, the second 2, and the third 1; whereas under the system of the majority at present in force in Luxemburg the strongest party would monopolize all 7 seats, leaving none for the 2 other parties, who together control three-sevenths of the electoral body. Thus nearly half the votes are annulled, a situation which constitutes a grave injustice and an absolute disregard of the rights of citizens.

One of the chief defects of the present system of the majority is that two weak parties combining together can defeat a strong party, thus leaving the latter totally unrepresented. At the same time, this system often puts aside men of superior talents and great experience, and is powerless to prevent the party of the majority installing in the Chamber weak or ambitious men; while proportionate representation succeeds in introducing into Parliament the best men of each group. Moreover, the latter system would to a large extent do away with the abuses of fraud, bribery, and corruption existing under the present régime, by rendering electors, as well as Deputies, more independent.

There is another important point of view: at present, under the system of the majority, certain electoral districts are represented entirely by members of one political party. These electoral districts then inherit in their local claims the hatred or the

favour attaching to the party. This is as regrettable as it is unjust. When these districts no longer exclusively delegate members of the same political party, and as soon as proportional representation has dispersed, or rather distributed the seats of the district according to the numerical value of the different existing parties, this or that district will no longer be placed under a ban. A pacific influence will make itself felt between the diverse groups, as is the case in Switzerland, notably at Le Tessin, and especially in Belgium. This is not the least of the benefits which we are justified in expecting from the establishment of more justice and balance of power by the introduction of real universal representation.

This reform is, above all, necessary for the affairs of large Municipalities, as in the communes rivalries and hatreds are exceedingly acute, the exclusive domination of one coterie sometimes threatens an especially vexatious tyranny, and the results of the ballot in one district cannot here be compensated by those of other constituencies. As Parliamentary and administrative reforms are in no way interdependent, they can each have their time and be examined separately.

Although this great political truth of proportional representation has been recognized by practically every civilized country, yet the oldest of these legislations scarcely know anything in regard to the protection of minorities beyond the limited vote.

To the new system there are two main questions, political and practical:—

1. The fear that the revision may lead to the splitting up of parties and prevent the formation of a strong Governmental majority.

2. The fear that it may be impossible to discover a mechanism of reasonably intelligible and simple application.

The first of these does not seem to hold good. The quotient of elimination (or minimum number of votes for a seat) and its equivalents, which all the procedures in force foresee or imply, are ample guarantee of the exclusion of every faction numerically absurd, or at any rate negligible. On the other hand, if there really is a majority in the country, it will immediately appear in the Assembly, while the actual distribution of seats can create dangerous apparent majorities, and the scattering of opinions composes at the present time strange lists of coalition, where divisions are still reflected, but in fallacious and unreal proportions.

A much graver objection would be the want of simplicity in the application of the innovation, were this to be found inevitable. But the application can be both simple and expeditious, as is clear from the procedure adopted by various countries.

The methods which serve to determine proportional repartition—some approximately, the others mathematically exact—are those of the so-called competition of lists. They suppose the scrutiny of the list, generally recognized as the best; isolated candidatures are reckoned for a distinct list.

The operation is twofold. It consists, firstly, in determining the respective forces of the different parties in the field, in order to fix the number of seats which fall to each; secondly, in designating the elected by name, taking in each list the required number, from among the candidates who shall personally have secured most votes. This appears quite simple: the quotient for election, the minimum number which suffices for the occupation of a seat, is established in principle by a simple calculation of division, viz., that of the total number of electors by the number of seats to be provided. Whoever obtains this quotient, and each party as often as it shall have obtained it, is proclaimed.

The only difficulty is that each seat constitutes an indivisible unit, that fractions of seats do not exist, and that, nevertheless, the above-named division will but rarely be made exact—i.e., without a remainder. To which party, then, is this remainder to be distributed? What is to be done with the surplus, not corresponding to a whole seat?

For the solution of the problem three principal systems exist, of which the first, that of the so-called forced fractions, may at once be rejected as inexact. It attributes the remaining places to the strongest of the candidates remaining over—i.e., to the lists which lack the smallest number in complete figures to equal the quotient.

The fault of the operation thus is that it does not measure the differences in proportion to their relative value. The proportional representation reposes upon the equality of the electors and not upon that of the parties; these latter being not equal, but proportional. It follows that the list to which the surplus seat falls is not that which itself approaches, but that one whose electors approach most nearly the result to be fulfilled.

As stated above, the error consists in this: the remaining steps should be

calculated, not according to their metric length, but according to their dynamic value, which is in proportion to the force of the antagonists. It is thus that the importance of a delay is measured, not only by the distance, but also by the degree of speed which is to traverse the distance. Figures will more clearly demonstrate the proposition.

Let us suppose a number of 16 Deputies to be divided between 5 lists, the electoral results of which are 6375—9307—3247—4760—377. The exact proportionality of these numbers furnishes 4, 2368—6, 1853—2, 1579—3, 1694—0, 2506. As the mandates are indivisible, it is necessary at first to only distribute the entities 4, 6, 2, 3, the total of which furnishes 15. To which list shall be allotted the 16th? To the 5th, one would be tempted to think, seeing that of all the fractions 0,2506 is the one which most nearly approaches the superior entity. But if the 377 electors composing the 5th party had a right to one representative, proportionally the 9367 composing the 2nd could claim 24, when they are only allotted 6. It follows that the true solution is to be found, not in attaching oneself to the differences expressed in complete figures, but in dividing them again by the respective totals of the various groups in the field.

The injustice which exists under the system of forced fractions is of a very grave nature. The following illustration makes clear in a few figures how serious are the discrepancies which its results produce in comparison with mathematical truth.

Lists.	Electoral Figures.	Repartition of Seats under—	
		(a.) System of Forced Fractions.	(b.) System of Hondt and of Bâle.
I	8,764	4	3
II	5,821	1	2
I	19,726	7	7
II	2,836	2	1
III	2,816	0	1
I	25,233	11	12
II	8,187	4	3
III	3,678	1	1
IV	1,875	0	0

The above triple illustration lays bare the inconveniences, or rather iniquities, of a method which at one time favours the party of the majority beyond all reason, and at another, out of two nearly equal lists, gives two seats to the one and none to the other, while being able to favour the feeble at the cost of the majority.

The first system which has theoretically succeeded is that of the Belgian Publicist, M. Victor d'Hondt. It is the one adopted by the Belgian Law of the 29th December, 1899. To the merit of scientific rigour it joins the appreciable practical advantage of making the repartition complete without a fraction necessitating a supplementary devolution. The result is obtained by the substitution for the figure of election of a repartitionary or divisionary figure, somewhat inferior to the theoretic quotient and answering to this condition, that it divides the respective electoral figures in such a way that the sum of the quotients thus obtained may be equal, no more or less, to the number of places to be attributed; and the determination of this figure is effected by an unique and elementary operation; it suffices to divide the electoral figures successively by 1, 2, 3, and to take from the quotients thus established the eighth in importance, when the number of seats is eight, the tenth when the number is ten.

To take an illustration: There are seven seats to distribute; the figures of the parties are 8,145, 5,680, 3,725. On dividing successively by 1, 2, 3, the quotients are:—

8,145	5,680	3,725
4,072	2,840	1,862
2,715	1,893	&c.
2,036	&c.	&c.

Of these results the seventh in importance is 2,036. It is the repartitionary quotient, which goes into the electoral figures four times, twice, and once respectively—total, seven.

This mechanism is simplified by the system of Bâle, which can exact a double or triple operation, but is nevertheless more rapid and easy in its calculations. Here the repartitionary figure is equal to the quotient obtained on dividing the total of the electoral figures by the number of seats, increased by one unit; to each party are allotted so many Representatives as the number of times its electoral numbers contain this repartitionary figure (or, if the latter is fractionary, the entity immediately superior). Where there remain supplementary mandates, there is a new division by a divisor which is now for each party the number of seats already occupied by it, plus one.

Thus, supposing there are five lists, whose electoral figures are 6,375, 9,307, 3,247, 4,769, 377 (total, 24,075), if the number of the seats is 16, we augment it by one unit, and we divide the total, 24,075, by 17. The quotient thus obtained is $1,416\frac{3}{17}$ ths, let us say 1,417. This is the repartitionary figure; it goes 4, 6, 2, 3, 0 times into the figures belonging to each list, and allots to them so many mandates, in all 15 instead of 16. To find this 16th recourse is had to the second operation. On adding one to each group of Deputies at present with seats, a process which gives 5, 7, 3, 4, and 1, we must divide each of the electoral figures by that one of the divisors which properly belongs to it—that is to say, we must divide 6,375 by 5, 9,307 by 7, &c. The most important of the quotients thus obtained is $1,329\frac{4}{7}$ ths. It falls to the list of 9,307, and it attributes to it the 16th in suffrage.

This system, which has just been successful at Bâle, is recommended by the Prussian Government for the composition of Commercial Tribunals, and has also been adopted in the States of Bavaria, Würtemberg, and Baden in their Bills for Electoral Revision.

Such is the state at the present time of the question of proportional representation.

While reserving the right to present to you a Bill elaborated in the sense of the preceding consideration, I request you, Sir, to submit for the opinion of the Council of State the questions of principle herein raised.

NORWAY.

No. 13.

Mr. Leech to Sir Edward Grey.—(Received August 20.)

Sir,

Christiania, August 14, 1906.

WITH reference to your Circular of the 22nd June last, I have the honour to inclose a report on proportional representation in Norway.

The system has only been adopted in this country in connection with municipal elections, where its employment is optional.

In the opinion of the Norwegian Minister of Justice, the application of the principle has on the whole produced satisfactory results.

I have, &c.

(Signed) STEPHEN LEECH.

Inclosure in No. 13.

Report showing what Legislative Measures have been taken in Norway for the application of the Principle of Proportional Representation to Public Election.

THE system of proportional election has been in Norway applied to municipal representation only, and that in the form of local option.

The present municipal representative system in Norway was established through two Acts of the 14th January, 1837—one for the urban or town municipalities, and one for the rural or country municipalities.

These Acts did not embrace the principle of proportional election. That system was introduced by the Law of the 27th July, 1896, which modified the said Law of 1837.

The Law of 1896 in its turn was slightly modified by the Law of the 29th May, 1901, but only as regards cumulative voting.

The Rules at present in force in regard to the proportional system of election in urban, or town, municipalities are embodied in § 6 and partly in §§ 7 and 8 of the Act of 1837 (with subsequent amendments or additions). These Rules in the main run as follows :—

“ § 6. If, before the 15th October, at least a fifth part of the electors entered on the rolls, when these number 8,000 or less, but otherwise at least 1,600 electors, tender to the Corporation controlling the election a demand requesting that the election be undertaken according to the principle of proportional representation, the following Rules are to be observed :—

“ 1. Simultaneously with fixing the date of the election, the Committee (that is, the Corporation controlling the elections) shall publish* a general request to the electors to send in, before the 15th November, proposals for lists of representatives to be elected.

“ 2. A proposal for such a list must, in order to be taken into consideration, contain, under consecutive numbers, as many different or up to once or twice repeated (cumulated) names as the number of representatives to be elected ; and it must be subscribed by at least twenty electors. The candidates must be so clearly designated that any interchange is avoided. It should contain a suggestion as to how the list is to be filled up, should any name have to be struck out, and it should name the subscriber to whom the Committee are to apply in questions touching the list. No elector must subscribe more than one proposal for a list, and no candidate must appear on more than one list. Every list proposed must bear a superscription indicating from which group it emanates.

“ 3. The lists shall be examined by the Committee. If a candidate be entered on more than one list, the Committee shall notify him that he must, within a certain period, declare on what list he prefers to remain, and that his name will be struck off the others. Omission to comply with this notice entails the striking of his name off all the lists. If it be found that a candidate is entered on the list who is entitled to refuse being elected,† he is to be requested within a certain time to declare whether he wants his name to be struck out. If he does not, within the period stipulated, send in a request to that effect, he has forfeited his right of refusing. If a candidate be on the list who is not eligible he is to be struck out.

“ 4. When the lists are in legal order, or when through negotiations with the representatives of the proposers they are brought into such order, the Committee, at the latest seven days before the day of election, shall publish them as official elective lists, each list with a superscription stating time of voting, and the ward, the names of the proposers, and from which group it emanates.

“ 5. Every elector to be at liberty to use for his voting paper an official list, or to vote only for persons who are not entered on any official list (“ wild ” lists), or to make use of a mixed list. In his voting paper the voter may repeat (cumulate) the names once more than is done in the official list. The voter is only permitted to cumulate once such names as are not cumulated in the official lists, and names that do not appear in any of these lists. A further cumulation of names to be considered as not written.

“ 6. When counting the votes it is first to be ascertained how many votes each candidate has received. Next, all the votes given to the candidates of each list are to be summed up. The sums thus found are called respectively the candidate-number of votes and the list-number of votes.

“ The votes given to a name outside of the lists are to be considered as the number of votes of the candidate in question, and as a number of votes of a list (list-number of votes).

“ 7. The vacant seats of representatives to be filled shall be distributed among the lists in proportion to their number of votes in the manner hereinafter described.

“ The total number of votes given to be divided by the number of representatives

* The publications mentioned in these rules are made through the newspapers mostly circulated in the respective wards.

† Persons over 60 years may refuse to be elected, and such as have acted for a period of three years may refuse election for the following three years.

to be elected, adding 1. The entire figures of the quotient thereby produced, adding 1, to be divided by the number of votes of each list, and to each list to be allotted the number of representatives which are indicated by the entire figures of the quotients produced by these divisions.

"If all the vacancies should not prove to have thereby been distributed among the lists, the number of votes of each list to be first divided by the number of representatives allotted to the list, adding 1, then, if necessary, adding 2, &c. Of the quotients—without considering through which of these divisions they have been produced—a number, corresponding to the seats not allotted, to be put down, calling the largest quotient No. 1, the second largest No. 2, &c., the divisions having to be continued until it is clear that no quotient in the succeeding series of quotients is larger than the quotient last numbered, which quotient is to be called the divisor. In the same manner that the quotients numbered are distributed among the list-number of votes, the remaining seats are to be divided among the lists.

"8. Should, through the proceedings described under the foregoing number, more than one list compete for more than one seat, the seat to belong to that of the competing lists which has the largest number of votes, but if the competing lists have an equal number of votes, the matter to be decided through the casting of lots.

"Should more seats be allotted to a list than its number of candidates, the candidates of such list to be considered as elected by anticipation, and the remaining seats to be distributed among the remaining lists in the manner above described.

"9. The seats of each list to be filled by those of its candidates that have the greatest number of votes, in numerical order, according to their number of votes, and, in the case of equal number of votes, according to their order on the list.

"The rest of the candidates of the list, up to the same number of its representatives constitute its deputies, in the order fixed in the same manner.

"10. If the elective lists mentioned above, sub-No. 4, be printed as voting papers, they shall be got up as indicated in § 5, No. 1,* and in the above No. 5. Other printed voting papers may not, during the election, nor during the last fortnight before the election, be put into circulation. Nor must other voting papers be got up so as to be like the official lists. Infringement of this rule to be treated as a police matter, and to be punished by fine.

"Where the system of proportional election has been introduced, it shall be employed at future elections, unless the Municipal Council, within six months before an election have decided to abolish it, and no new request has been tendered in accordance with the first item of this paragraph.

"§ 7. A Protocol is to be kept of the elective proceedings. The Protocol must especially contain exact information . . . in case the proportional system has been employed, as to which lists the Committee have caused to be published as official lists, the number of votes of the lists, the divisor, the calculation of the number of the seats allotted to each list, and, lastly, who were elected for representatives and for deputies, respectively, as far as each list is concerned.

"§ 8. Up to the end of December the representatives are to assemble in order to elect, among their number, the foremen,† and an equal number of deputies for the foremen. If it be demanded by at least four representatives the rules of § 6, No. 2, the first and fourth items, and Nos. 5 to 9 are to be correspondingly employed, yet so that no list proposed need to be subscribed by more than three representatives. If a foreman, through the corresponding application of the rule of § 6, No. 9, should get no deputy, such deputy to be elected for him by common majority election."

* § 5, No. 1, stipulates, the election to be undertaken by means of voting papers, which shall be without signature, and inclosed in official envelopes. The voting papers to be of white paper, and these, as well as the envelopes, to be without any special mark; erasures or other alterations of the voting paper are not considered as special marks. The envelopes to be non-transparent and of uniform size, form, and colour, and provided with an official stamp. Such an envelope to be delivered, at the voting room, by a member of the Committee to each voter who appears in person.

If any voting paper or envelope be not in conformity with these rules, the vote to be considered as null and void. If in one envelope there be found more than one voting paper, all of them to be rejected if they do not agree; if they agree, only one of them to be accepted.

† § 1 of the Act stipulates, that among the total number of representatives one-fourth part shall be, by the representatives themselves, elected foremen. This body has a rather extensive power, has the more detailed management of the affairs of the municipality, &c., and, as a regular rule, every proposition to be put before the Council must first pass through the body of foremen. The Chairman of the Council must be elected from among the foremen, but he is elected by the entire Council.

With regard to the Act concerning the proportional election in rural or country municipalities, its main features are exactly the same as those of the Act concerning town elections. The rules in question are, also in this Act, to be found in § 6, and partly in §§ 7 and 8. The only important differences are as follows:—

“§ 6. If before the 15th August at least one-fifth part of the electors entered on the rolls, when the number 5,000 or less, but otherwise at least 1,000 electors, &c. (the remainder being the same as the rules for town municipalities).

“1. The proposals for lists to be sent in before the 7th September (as compared to the 15th November for town municipalities).

“In a Circular dated the 24th March, 1898, containing information and interpretation of the Act, particularly of § 6, the Department, among other things, says, that an elector may vote for himself;

“And further that the expenses connected with the printing and forwarding of lists to those who are of the same political opinion must be borne by the political parties themselves.”

P O R T U G A L.

No. 14.

Sir F. Villiers to Sir Edward Grey.—(Received August 7.)

Sir,

Lisbon, July 31, 1906.

IN reply to your Circular despatch of the 22nd ultimo, I have the honour to report that the only attempt to introduce the principle of proportional representation in Portugal is contained in the Law of Parliamentary Elections passed on the 8th August, 1901, which is still in force.

According to this enactment, the electoral area is divided into 33 districts, of which 22 are in Portugal itself, 4 in the islands (Madeira and the Azores), and 7 in the Colonies. The colonial districts return 1 member and the others from 3 to 8 members each.

For the purpose of securing the due representation of the minorities, it is provided that, in a district returning several members, each elector shall vote, not for as many candidates as there are seats, but for some less number, so that the majority of the electorate may not necessarily be able to carry the whole number, but that one or two seats may be left in which the minority may find representation.

The inclosed Table gives the figures of this arrangement, and it will be seen that, out of the total of 155 Deputies, 35 represent the minority in their constituencies.

The Law having been so recently passed, its operation has hardly been put to a sufficient test. Opinion, however, inclines to the view that the constituencies being of inordinate size the individual elector does not feel his vote to be of account. He does not take the same interest in securing the return of a list of candidates as he would in the contest for a single seat, and thus become more open to any influence which may be brought to bear upon him. It is felt that by a return to the system of small constituencies with single members the political feeling of the electorate would be more accurately reflected in the Chamber, and it is anticipated that the electoral reforms which form part of the programme of the present Government will include this change.

I have, &c.
(Signed) F. H. VILLIERS.

Inclosure in No. 14.

TABLE of Portuguese Parliamentary Representation.

Districts.	Number of Candidates for whom an Elector may Vote.	Majority Representation.	Minority Representation.	Total.
1 of 8 members	6	6	2	8
8 „ 7 „	5	40	16	56
8 „ 6 „	5	40	8	48
3 „ 5 „	4	12	3	15
3 „ 4 „	3	9	3	12
3 „ 3 „	2	6	3	9
7 „ 1 member	1	7	..	7
33	..	120	35	155

R O U M A N I A .

No. 15.

Mr. Crackanthorpe to Sir Edward Grey.—(Received September 17.)

Sir,

Sinaia, September 12, 1906.

WITH reference to your Circular despatch of the 22nd June last, I have the honour to report that the system of proportional representation has not been introduced into Roumania.

I have, &c.

(Signed) DAYRELL CRACKANTHORPE.

R U S S I A .

No. 16.

Sir A. Nicolson to Sir Edward Grey.—(Received July 9.)

Sir,

St. Petersburg, July 3, 1906.

WITH reference to your Circular despatch of the 22nd June in regard to the legislative measures which may have to be taken to apply the principle of proportional representation to public elections, I have the honour to transmit herewith a Report which Viscount Cranley has drawn up on the system of elections in Russia.

I have, &c.

(Signed) A. NICOLSON.

Inclosure in No. 16.

Memorandum by Viscount Cranley respecting the System of Election in force in Russia.

THE Assemblies of a popular character in Russia are the Mir, the Volost, the Zemstvo, the Town Councils, the Assemblies of Nobility, the Duma of the Empire, and the Council of the Empire.

1. *The Mir*.—This body is the oldest of all forms of Government institutions in Russia. It depends on the community of the land possessed by the members of a single village, and their common responsibility for the taxes. It is not an elected body, but consists of the heads of all the families in a village who meet together to transact the business of the Commune.

2. *The Volost*.—For the purposes of local Government the whole of Russia is divided into 18,012 cantons or Volosts (called "Gminas" in Poland, "Stanitsas" in Cossack territory, and "Ulus" in territories peopled by native Asiatic races). These Volosts or Cantonal Assemblies are elected from the Communal Assemblies or Mirs in the proportion of one member of the Volost to ten householders in the Mir. The functions of the Volosts are similar to those of the Mir, but are spread over a wider district. In Russia the members of the Mir and Volost are drawn exclusively from the peasant class. In Poland, on the other hand, the Gminas consist of all land-owners alike, with the exception of the clergy and police, but whatever the quantity of land owned each member has but one vote in the Gmina.

3. *The Zemstvos*.—After the emancipation of the Serfs, the reform most urgently required was the improvement of the provincial administration. In the time of Serfage, the Emperor Nicholas, referring to the landed proprietors, used to say that he had in his Empire 50,000 most zealous hereditary police-masters. By the Emancipation Law the authority of the dispossessed land-owners was abolished, and it became necessary to find a substitute for it. Peasant self-government was accordingly organized. The Volost, described above, was the result, but the administrative unit was too small, and it was evidently necessary to create a larger one. With this purpose in view, the Emperor Alexander II, in 1859, summoned a Commission to consider the question, and to report on a scheme for giving greater unity and efficiency to the dislocated provincial administration. The project was duly prepared by the Commission, and, after discussion in the Council of State, became law at the beginning of the year 1864. The result of this law was the creation of the Zemstvos.

The Zemstvo is a kind of local administration which supplements the action of the rural communes. Its principal duties are the repair and construction of roads and bridges, to watch the state of the crops, and to take measures in case of famine being threatened, and to supervise sanitation and primary education.

In form it is a Parliamentary institution. It consists of an Assembly of Deputies meeting regularly every year, and of a permanent executive bureau, elected by the Assembly from among the Deputies.

Zemstvos are of two kinds—District and Provincial (*i.e.*, Governmental). The former Assembly is elected every three years by those entitled to the franchise directly. The Provincial Assembly is composed of members elected by the District Assemblies from among their own body. The Presidency in both District and Provincial Assemblies is in the hands of the Marshals of Nobility. The franchise is accorded to persons possessing, and having possessed for one year previous to the election, land or other real estate to an amount varying in each district, but never falling lower than 15,000 roubles (about 1,500*l.*). The electors are grouped into two elective Assemblies; in the first are included hereditary and personal Nobles, while the second consists of all other classes of the population with the exception of the peasants. Small-landed proprietors send representatives to the electoral body. The election of members of the Electoral College from the village communities is left to the Volosts, and the representatives thus elected are further subject to confirmation by the Governor.

A definite number of members of the electoral body and the village communities is assigned to each district; the proportion being 57 per cent. of Nobles, about 30 per cent. of peasants, and 13 per cent. of the other classes.

4. *Town Councils*.—The organization of self-government in the towns was introduced in 1870 to replace the Charters granted by Catherine II to the towns in 1785, and was amended in 1892. It is in general similar to the Zemstvo organization in the country. The right of election in the towns belongs not only to persons possessing real estate of a defined value, but also to persons, societies, and associations, who possess a commercial or industrial undertaking in the capitals on a first guild certificate and in the other towns on a first or second guild certificate. (In Russia all persons belonging to the merchant class must belong to one of the guilds, of which there are three.)

All the electors constitute one body summoned every four years. The number of members of the Town Council of each town varies according to the number of electors, but it is never greater than 160 nor less than 20.

5. *Assemblies of Nobility.*—The Assembly of the Nobles of the Government usually meets every three years; all hereditary Nobles are entitled to be present, but the right of voting is enjoyed only by those who have real estate in the Government and who have attained an official "Tchin" or have been decorated by the Emperor. Those also who have completed a course in an intermediate educational establishment or who have served not less than three years in local elective offices are likewise entitled to a vote. Finally, the right of personal participation in the deliberations of the Nobles is enjoyed by those who, in addition to the above qualifications, own property in land to the extent which gives the right to elect Zemstvo members. Nobles with estates smaller than that which would give them the right of an independent vote are allowed to participate in the elections through elected Representatives.

The Assemblies of Nobility were instituted by Catherine II. Originally they possessed extensive powers; but now these powers have fallen into desuetude or have been taken from them, and the Assembly of Nobles either in the districts or the Governments have no power whatever.

6. The Duma of the Empire.

The election of members of the Duma of the Empire takes place in (a) the provinces, and (b) the towns of St. Petersburg, Moscow, Astrakhan, Baku, Warsaw, Wilna, Voronej, Ekaterinoslav, Irkutsk, Kazan, Kieff, Kishineff, Kursk, Lodz, Nijni-Novgorod, Odessa, Orel, Riga, Rostoff on Don, Samara, Saratoff, Tashkend, Tiflis, Tula, Kharkoff, Cholm, and Yaroslav.

Members of the Duma re-elected by an Electoral College composed of Delegates from :—

1. All persons occupying or owning land which pays land tax. It must be understood that peasant proprietors and tenants are not included in this provision since that class of the population has its own separate representation.

2. All persons (with the exception of workmen) who are in receipt of salaries or pensions.

3. *Workmen's Delegates.*—These are elected by a threefold system of election. The members of the Electoral College, who in other cases are chosen by the direct suffrage of the electors are chosen in the case of the workmen by Delegates selected from among their number.

In each province it is laid down how many members of the College of Electors are to be allotted to the workmen. In the manufacturing districts such as St. Petersburg (twenty-four), Moscow (thirty-five), and Piotrokoff (Lodz) (twenty-one), their numbers are considerable, but in the other provinces they are very small, amounting in Samara and Archangel to but one for each province.

The members of the College are chosen by Delegates representing each commercial establishment employing fifty or more male operatives. In establishments where more than 1,000 men are employed, a second Delegate is elected for every complete thousand.

4. *Peasant Delegates.*—Each Volost in the province (in Cossack territories each Stanitsa) sends two Delegates to the College.

5. *Miscellaneous Delegates.*—These are elected by a minor Electoral Assembly formed of priests of any religion, presiding over a Church which possesses real estate in the district, and all other persons possessing real estate in the district the amount or value of which does not give them the right to direct participation (under class 1) in the Electoral College.

In the towns the right of choosing Delegates is accorded to persons mentioned above under headings 2 and 5, and in addition—

1. All persons possessing real property which pays rates or taxes.
2. All persons in the occupation of commercial establishments.
3. All persons occupying a tenement for which the dwelling-house tax is paid.
4. All persons employed on railways in receipt of salaries.

The process of elections in the provinces and towns is similar.

In the provinces the number of members of the electoral colleges is fixed *pro ratio* of the population. In St. Petersburg and Moscow it is composed of 160 members, and in the other towns of 80. In the provinces, the Presidency of the Colleges is intrusted to the Marshal of Nobility of the Province, and in the towns to the Mayors.

The electors meet under presidency of the Mayor or Marshal of Nobility, as the case may be, and proceed to the election of representatives, but before any other

members are elected, the peasant representatives of the Volosts and Stanitsas each elect one member of their own to each province. The rest of the members are then elected by the whole body by secret ballot.

The following are debarred from the franchise:—

Men under 25 years of age; women, Governors and Vice-Governors of provinces in their own districts; policemen in their own districts; persons condemned for criminal offences; bankrupts, and lunatics.

The Council of the Empire.—This body is composed half of elected members, and the other half of members nominated by the Emperor.

Of the former, six members are elected by the clergy of the Orthodox Church, eighteen by the Provincial Assemblies of Nobility, thirty-four by each of the thirty-four Provincial Zemstvos, *i.e.*, one member for each Zemstvo, six by the learned institutions, twelve by the Bourses and Chambers of Commerce.

The method of election is as follows:—

1. *The Clerical Members.*—These are elected from among its own members by the Holy Synod.

2. *The Zemstvo Members.*—One member elected by each Provincial Zemstvo.

3. *The Representatives of the Nobility.*—Each Provincial Assembly elects two electors of the second degree, who meet in an Electoral College at St. Petersburg, and elect eighteen of their number to the Council of Empire.

4. *Members from the Learned Bodies.*—The Imperial Academy of Sciences and each of the Russian Universities, elect three electors of the second degree, who meet in an Electoral College at St. Petersburg, and elect six members to the Council of Empire.

5. *The Council of Commerce and Manufacture* chooses four electors of the second degree, of whom two represent commerce and two industrial enterprises; the Moscow section of the Council and the Committees of Commerce and Manufactures of Ivanovo-Vosnessensk, Kostroma and Lodz, each choose two electors to represent industrial enterprises, and all other Committees of Commerce and Manufacture one elector.

The Bourses of St. Petersburg and Moscow each elect four electors, two of whom represent commerce and two industrial enterprises, and the Bourses of Warsaw, Odessa, Kieff, Nijni-Novgorod, Riga, Rostoff on Don, Kharkoff, Samara, Saratoff, Lodz, Libau, Baku, Ekaterinenburg, Perm, Tomsk, and Omsk, each elect two electors, one representing commerce, and the other industry. The Steam Coal Bourse at Kharkoff elects one member representing industry. All other Bourses elect one member, representing commerce. The Electoral College meets at St. Petersburg and elects twelve members of the Council of Empire, six of whom represent commerce, and the other six industry.

6. Nine members are elected by the provinces, where Zemstvo institutions are not in force. (These provinces include Poland and the Baltic provinces.)

It will be observed that the basis for all elections in Russia is that of communal or class representation. In the official communication published in explanation of the Electoral Law of December last, it is expressly stated that “the Government do not consider themselves entitled to depart from this principle, which has hitherto formed the basis for all elections in Russia, and which they know to be the wish of a large proportion of the inhabitants to continue.”

The grant of a Constitution to Russia is of such recent date, that it is impossible to offer any comment on the working of its methods of election; and the other elected bodies in Russia do not possess sufficient of the principle of proportional election to need any.

(Signed) CRANLEY.

St. Petersburg, July 2, 1906.

No. 17.

Sir A. Nicolson to Sir Edward Grey.—(Received July 9.)

Sir,

St. Petersburg, July 6, 1906.

WITH reference to my despatch of the 3rd instant regarding the system of elections in vogue in Russia, I have the honour to report that I have been informed by Mr. Cooke, His Majesty's Consul at Helsingfors, that the system of election to the

Finnish Diet is, under existing Law, one of limited suffrage ; but it is understood that the new Electoral Law, which has been recently under discussion in the Diet, will come into force on the 1st October.

The new Law provides for universal suffrage for all persons (of both sexes) above the age of 24, and it is expected that the Diet of 1907 will be elected on this principle.

I have, &c.
(Signed) A. NICOLSON.

SAXONY.

No. 18.

Viscount Gough to Sir Edward Grey.—(Received November 28.)

Sir,

Dresden, November 23, 1906.

IN compliance with the instructions contained in your Circular despatch of the 22nd June last, that I should furnish a Report on the application of the principle of proportional representation to public elections in the Kingdom of Saxony, I have the honour to state as follows:—

A careful inquiry into the existing law and practice in Saxony seems to show that no legislation on the subject exists, and that the principle of proportional representation is not applied in elections.

In a modified sense of the term, the Classen system of voting for Deputies to the Landtag might be called proportional representation, the intention being that taxpayers should be represented to some extent proportionally to the amount they contribute in taxation.

I have, &c.
(Signed) GOUGH.

SERVIA.

No. 19.

Mr. Thesiger to Sir Edward Grey.—(Received July 23.)

Sir,

Belgrade, July 18, 1906.

WITH reference to your Circular despatch of the 22nd ultimo, I have the honour to transmit herewith a Memorandum with regard to the public elections in Servia as exemplified by the general elections to the National Skuptchina and the elections by the communes of the mayors. It is only in the former that the principle of proportional representation is applied.

I have, &c.
(Signed) WILFRED G. THESIGER.

Inclosure in No. 19.

Memorandum respecting Proportional Representation in Public Elections in Servia.

The National Skuptchina.

BY the Constitution of 1869, which granted representative government to Servia, three-quarters of the Members for the Skuptchina were elected by the people, while

the remaining quarter were nominated by the Prince, the proportional representation being one Deputy for every 3,000 inhabitants.

The Constitution, which was granted on the 3rd January, 1889, however, gave to the people the right of electing all the Deputies, and the proportional representation was at the same time altered, each Department being given the right to elect one Deputy for every 4,500 inhabitants paying the amount of direct taxation required to give them the right of voting at the election for Deputies for the Skuptchina, and for every 3,000 votes in excess of the qualifying 4,500 each district received the right to elect another Deputy. Under the Constitution of 1889 every male Servian over 21 years of age who paid 15 dinars (12s.) in direct taxes had the right to vote, exceptions being made as regards soldiers and students; while every Servian subject over 30 years of age, and paying 60 dinars (2l. 8s.) in direct taxes, was eligible to stand as a candidate for election.

These Regulations remain still in force and seem to give satisfaction, as there is at present no question of altering or modifying the existing system, and, although the Constitution of 1889 was suspended in 1894 and replaced by that of 1869, and, again, new Constitutions were granted in 1901 and 1903, the Electoral Laws of 1889 have remained practically unaltered.

With regard to the towns, the proportional representation is not adhered to—Belgrade, with a population of 72,000, being represented by four Deputies; the towns of Nisch and Kragujevatz, with a population of 28,000 and 16,000 respectively, sending each two Deputies to the Skuptchina, while twenty-two smaller towns are represented by one Deputy each.

With regard to the communal elections, each of the 1,571 communes elects the Mayor of the commune; the Regulations regarding the voters being the same as those for the Skuptchina.

There are no other public elections.

S P A I N .

No. 20.

Sir M. de Bunsen to Sir Edward Grey.—(Received July 23.)

Sir,

San Sebastian, July 20, 1906.

IN accordance with the instructions contained in your Circular despatch of the 22nd ultimo, I have the honour to transmit herewith information as to the application in Spain of the principle of proportional representation. This information is contained in a Report on the subject by Mr. George Young of this Embassy.

I have, &c.

(Signed) MAURICE DE BUNSEN.

Inclosure in No. 20.

Report by Mr. Young on Proportional Representation in Public Elections in Spain.

Lower Chamber ("Congreso"), its Representative System.

THE system of election of Representatives to the Spanish Chamber of Deputies (Congress) is contained in the legislation that follows:—

Electoral Law of June 26, 1890.

Article 21.—“Deputies to Cortes are elected directly by the electors of the districts and special Colleges; but after nomination and election to Cortes they represent, individually and collectively, the nation.

Article 22.—“In districts electing one Deputy the elector may vote for one candidate only; where there are two to four Deputies to be elected, he may vote for one less than the total number; if more than four, then he may vote for two less than the total, and for three less than the total if there are more than eight.

Article 23.—“The districts are divided into electoral sections. Each Municipal area will form a section if it contains no more than 500 electors; it will form two sections if it contain more than 500 and less than 1,000; three if more than 1,000 and less than 1,500, and so on.

Article 24.—“Special Colleges with the right to elect a Deputy to Cortes for every 5,000 electors will be formed from the Universities from Economic Societies and from Chambers of Commerce, of Industry, or of Agriculture. Such of these bodies as do not contain 5,000 electors will be associated with similar bodies”

Review of Legislation.

From this and other legislation on the matter it is possible to describe the Spanish system as one combining plurinominal constituencies with a limited vote, single-member constituencies, and “fancy” constituencies. The object of this complicated composite arrangement is to counteract the evils traceable to election by the whole electorate as a single constituency to the system of single-member districts, and to universal suffrage.

With reference to Interests of Minority.

These evils, in so far as they affect the interests of minorities, are met by this system in the following manner. The interests and sentiments of territorial localities are considered by the maintenance of the territorial distribution of representation as established in 1871 (Act of the 1st January) with such redistribution as was necessary to bring it up to date (*vide*, Articles 8, 9, 10 of the Provincial Law, and Article 1 of Decree of the 31st August, 1882, as modified by Acts of the 31st July, 1883, and 12th May, 1888). This territorial distribution, which would be represented in its most complete form by single-member districts is, however, mitigated in the interests of a scattered minority by the representation of the more populous districts by a proportional number of Deputies. These plurinominal districts are at present twenty-six in number. A further safeguard for the representation of the minority is contained in the restriction of the vote of each elector to a certain proportion of the number of candidates. The following table expresses more clearly this effect of Article 22, translated above:—

Number of Candidates in Constituency.		Number of Candidates that may be voted for.
1	}	1
2		
3	}	2
4		
5	}	3
6		
7		4
8		5
		6

If the single-member district may be taken as ensuring representation of rural minorities which from their nature have a territorial character, at least in Spain, the plurinominal constituency with a limited vote seems well calculated to provide for the representation of the more important political parties in urban centres where a distribution into single-member districts is least conducive to adequate representation of minority voters. The third feature of the system is no less important in reference to the rights of minorities. The effect of the “special constituencies,” each composed of 5,000 associates of affiliated institutions, is to introduce a special representation for Corporations formed from the educated or wealthy classes. By this means a policy which appeals to a minority which have given proof of a certain degree of civic capacity can find expression through a special Representative. The proof required as contained

in Articles 24 to 28 of the Electoral Law consists in satisfying the Electoral Committee as to the electors' status in the University or Association.

Besides the forms of representation above-mentioned there was another included in the system of 1877, which has since been abandoned and is not found in the Electoral Law of 1890. By this arrangement candidates voted for by a certain number of electors of no matter what constituency were returned. This was given up as it was found that the election of these candidates became a matter of arrangement with other candidates possessing a safe majority from which they were able to afford a certain number of votes. Possibly in more highly developed societies this system might provide a representation for minorities too territorially scattered and too numerically insignificant to take advantage of the safeguards described in the previous paragraph.

Review of Working of System.

It is not an easy matter to obtain a just appreciation of the working of the system as a whole in Spain, much has been written about it in attack and defence, but it is all partisan in inspiration and polemical in intention with little instructive criticism or commendation.

There might, however, be some ground for the objection against plurinomial constituencies as fixing *a priori* the proportion of representation of the Opposition and Government. The system has accordingly been blamed for a share in producing government by "convenio;" under which the representation of the various factions has become rather a matter of arrangement between the leading politicians than of assertion of public opinion at the polls. On the other hand, the mathematical possibility that under this system an undesirable policy or unconstitutional faction might, without any general support, obtain a representation that would make it a danger to the State, has been used by parties in power as an excuse for influencing elections.

This intervention of the Government in the elections is possibly a necessary evil in the present undeveloped condition of the Spanish electorate. There seems to be no doubt that it is owing to the self-denying ordinance introduced on this point by the Liberal Ministry in charge of the elections last autumn that a new Congress in which parties were too evenly balanced for efficient legislation, was returned by the uncontrolled action of the representative system in question. The Liberals, consequently, have not been strong enough to pass any useful legislation, whereas, the Conservatives are not yet ready to take their place. In States where electors vote to express their personal or party opinions without receiving any pressure of authority, such an objection would lose its weight and it seems that the system above-described should be well adapted for the application of the force of public opinion through its most important channels.

It is further worth mentioning, as indirectly affecting the rights of minorities that the introduction of the plurinomial constituency appears to have had a favourable effect on the purity of elections. It is difficult to produce evidence of this from authorities with whom figures of speech have apparently in argument the force of matters of fact, but the following facts are illustrative. In 1879 the first election after the system was introduced 2·80 per cent. of the elections of single-member constituencies seem to have been successfully petitioned against; but only 1·20 per cent. of plurinomial constituencies. In 1881 the proportions were 4·16 per cent. as against 1·92; petitions being presented against no less than 17·85 per cent. of single-member constituencies. The reason for this is that the single-member district is the form of constituency best adapted for the operations of the "cacique" or local "boss." Whatever may be the opinion as to the necessity in Spain for control of the elections by the party entering power on the basis of the representation they will obtain at the polls, there is no question that the less the "cacique" is used for the purpose of obtaining a sufficient and homogeneous majority the better.

Results of System.

Enough has been said to show that it is difficult to judge of the effect of the system in Spain in regard to minority representation as the proportion of representation is rather the expression of political action upon the system than of public opinion through it. For this reason a comparison of the proportion of the representation of the various political parties to the probable number of adherents or public importance,

though easy, would be misleading as a criterion of the system. An analysis of the manner of men elected will be more instructive as their social characteristics are less likely to come under Government influence than their political opinions. The following is an analysis of the non-political characteristics of the Deputies of the Congress:—

TABLE I.

(A.) Deputies resident in Madrid—							
(a.)	Lawyers without pensions or official posts	..	..	..	..	..	80
(b.)	Lawyers, active or pensioned officials	..	..	..	..	..	115
(c.)	Others	..	..	..	..	..	83
Total resident in Madrid							278
(B.) Deputies resident in provinces—							
(a.)	Lawyers	..	..	..	..	..	49
(b.)	Others	..	..	..	..	..	61
Total resident in provinces							110

Another analysis on slightly different lines shows practically similar results—

TABLE II.

Profession.				Resident in—			Total.
				Madrid.		Provinces.	
Lawyers	..	..	..	195	49		244
Officials	..	..	..	147	19		166
Engineers	..	..	..	13	6		19
Professors	..	..	..	13	6		19
Soldiers	..	..	..	22	2		24
Journalists	..	..	..	29	6		35
Doctors	..	..	..	..	..	..	11
Merchants	..	..	..	..	..	..	13
Manufacturers	..	..	..	..	..	..	17
Farmers	..	..	..	..	..	..	9
Ex-Ministers	..	..	..	..	..	..	27
Secretaries	..	..	..	..	..	..	37
Ex-Governors	..	..	..	..	..	..	13

71·46 per cent. are resident in Madrid.

62·72 " " lawyers.

42·67 " " officials.

90 " " liberal professions.

2·25 " " land.

8 " " commerce and industry.

But, according to the relative importance of these occupations in Spain, the land should be represented by 40 per cent. at least, and should be succeeded by industry, the liberal professions, including lawyers, commerce, and retired officials in the order given with decreasing percentages of representation. Active officials might well be excluded.

It is fairly evident from these analyses that if the political significance of the national representation is still to a large extent in the hands of the politicians, the proper representation of different social classes and interests is much restricted by the fact that in Spain politics are still in the hands of a class—that of men with legal and administrative training. The fact that the liberal professions are so disproportionately represented appears to be quite natural when it is recognized that politics is one of the liberal professions.

Consequently, an examination of proportional representation in Spain in its social aspects is scarcely more illustrative of what might be the working of the system elsewhere than would have been an examination of its political effects.

Representative System of Senate.

The system of election to the Senate has undergone less development and is more academic and less interesting. It dates from an Act of the 8th February, 1877, the same electoral law on which the representation of the Congress is based.

The Senate is composed of Senators in their own right; such are scions of the Royal House, Grandees of Spain with a property qualification, and certain ecclesiastical and official dignitaries. Senators for life appointed by the Crown from qualified classes of persons. These two first categories are limited to one-half the Upper Chamber. The other half is composed of Senators who are elected by indirect election; 30 of the 180 by ecclesiastical, literary, and economic bodies, the remaining 150 by the provinces in the proportion of 3 to a province. For this election, held in the provincial capital, each municipal district elects a delegation equal to the sixth of the number of its Councillors. These Delegates elect the 3 Senators for the province. A candidate to be elected must obtain one-half the total of votes cast; the ballots are to be repeated until a sufficient number of candidates have qualified in this respect; the candidates admitted to second ballots being taken from those who have received most votes at earlier ballots and limited to twice the number of vacancies left. By Article 24 of the Constitution the elective half of the Senate is re-elected, half every five years, or as a whole if dissolved by the Crown.

The Senate does not play a very prominent part in the political life of Spain, and, though its composition is such as should enable it to perform its functions with dignity and efficiency, a reform of its Constitution is constantly appearing in party programmes.

Municipal Representative System.

There remain to be considered the municipal elections. Municipal Councillors are elected in number proportional to the population of the municipal area according to the following scale (Articles 34 and 35 of Municipal Law):—

Population.	Councillors.	Districts.
Up to 500	5	1
From 501 to 800	6	1
„ 801 „ 1,000	6	2
„ 1,001 „ 2,000	6	2
Thereafter every additional 1,000 one additional Councillor; every additional 4,000 entailing an additional district, until—		
From 95,001 to 100,000	44	10

The Councillors are distributed among the districts in proportion to their population. These districts were until the last electoral law the basis of representation in the Cortes. It has not been possible to obtain any criticism of the working of the municipal electoral system worth reproduction.

(Signed) GEORGE YOUNG.

Madrid, July 17, 1906.

SWEDEN.

No. 21.

Sir R. Rodd to Sir Edward Grey.—(Received February 9.)

Sir,

Stockholm, February 4, 1907.

I HAVE the honour to report that the proposals of the Swedish Government for a reform of the electorate to both Chambers of the Diet were laid before the respective houses on the 2nd instant. They are comprised in three Bills—the first proposing

modifications in sections 31, 49, and 53 of the fundamental constitutional law of Sweden, and in sections 6, 7, 8, 10, 11, 13 to 22, 25, 28, and 38 of the organic law of the Diet, with provision for transitional stages; the second proposing modifications in certain provisions of the organic law for County (or Provincial) Councils of the 21st March, 1862; and the third proposing modifications in some of the prescriptions of the law defining the communal authorities in the counties and the towns.

In order to understand the nature of the proposed reforms, it is necessary to form a clear idea of the existing system which it is proposed to modify. For this purpose I venture to refer to the paragraphs dealing with Parliamentary constitution and provincial administration contained in my annual Report on Sweden for 1906 (No. 162 of the 31st December, 1906).

Members of the First Chamber are to be elected, as before, by the County Councils and the five boroughs which are not comprehended in the County Councils, but subject to the proportionate system. The mandate shall run for six years (instead of nine as now). With this in view, the County Councils and the boroughs not comprehended in the County Council system are divided into six groups. One of these groups, in the order prescribed, shall each successive year elect representatives for the ensuing six years period. The First Chamber will thus be permanent in character, but one-sixth of its members will be subject to re-election every year.

The County Councillors shall be returned by direct proportional election in constituencies distinct in town and country. A judicial district, containing a population of 30,000 or upwards, will be divided into constituencies returning each at least three, at most six, Councillors. Boroughs are to return one Councillor for every 3,000 inhabitants (instead of 2,500 as now), and where the population amounts to at least 6,000 they are to compose separate constituencies. If the population falls below 6,000, they are to be grouped with other boroughs so as to compose a single constituency of not less than 6,000, or more than 12,000, inhabitants. The mandate of Councillors is for two years, and constituencies are divided into two groups so that half the Councillors will retire every year.

Members of the Second Chamber, elected also by the proportional method, are to be returned by universal suffrage without any restrictions other than those prescribed in the Suffrage Bill of 1906, introduced by the Liberal Ministry of Herr Staaff. That is to say, the suffrage is extended to every free-born Swede who has attained the age of 24 years, and who is not under any of the disabilities there indicated, such as being under legal tutelage, being in receipt of poor law relief, having failed to perform his military duties or to pay his dues to State or commune. The country is to be mapped out into electoral districts, on the principle that one member is returned for every complete 230th part of the population. The number of members will thus remain as now 230, and the mandate will run as now for three years. Stockholm city constitutes two electoral districts, each returning six members; Gothenburg one district, returning also six; twelve districts, five; seventeen districts, four; and twenty-two, three members each.

As regards the communal suffrage for elections to County Councils, a sweeping reform is proposed which will result in giving the smaller ratepayers a much greater influence in the return of the Councillors who constitute the electors of members of the First Chamber. The title to vote is calculated according to the total income on which the voter is rateable for communal taxation.

Under the old system votes could be accumulated by the individual possessing property sufficient to entitle him to additional votes up to a maximum of 5,000 votes in the country communes, or one-tenth of the total voting power, and up to 100 votes or one-fifth of the total voting power in the towns.

In the new Bill it is proposed that country electors shall have one vote for every 100 kronor (5*l.* 10*s.*) of rateable income—that is to say, ten votes for incomes amounting to 1,000 kronor (55*l.*); when the income exceeds 1,000 kronor, they are to have an additional vote for every complete total of 500 kronor in excess of the thousand; but in no case shall the total of accumulated votes exceed forty, or one-tenth of the total voting power of the communes.

In the boroughs the electors are to record one vote for every 100 kronor of income up to a total of 2,000 kronor, and only after this total has been reached, to be reduced to one vote for every additional total of 500 kronor. The maximum rateable income conferring votes will thus be 16,000 kronor in the country districts and 12,000 kronor in the towns.

In connection with the communal organization, there are various new provisions

which do not affect the question of representation, and which it is therefore unnecessary to examine in connection with the suffrage question.

The proportional system is to be applied to all elections, to those of representatives of the First and Second Chambers of the Diet as well as to those of County and Borough Councillors. The method will be identic in each of the three cases, and is described as the "free method with indication of party."

The electors may insert an indication of their party before the names set forth in their voting papers. The names are to be written consecutively on the voting papers, one below the other, and there may be as many as two over and above the number of representatives to be elected. Of the names so included, as many, counting from the top, as correspond to the number of members to be elected represent the members to be returned, the others are to be regarded as substitutes to replace the members resigning or deceased during the Parliamentary period. If a line be drawn marking off a lesser number of names, counting from the top, than corresponds to the total number of places to be filled, only the names above this line will be considered for actual election to the Diet. In counting the votes, all the papers bearing the same indication of party are collected into one group. It is, however, open to electors to record their vote without indication of party. All such non-party voting papers are also collected into one group, described as the "Free group." It is next established by separate countings within each group in what order the names come out within that group. Successive countings take place within each group, working on the principle that a voting paper containing a name already classified on the list (as 1, 2, 3, &c.), has on the second counting only half voting power, one which contains two names already classified on the list has in subsequent countings only one-third, and so on. The places to be filled are distributed among the various groups in accordance to d'Hondt's rule. The first total, however, for comparison is arrived at in the party groups by the numerical total of the group (that is to say, the numerical total of voting papers obtained by the group), whereas for the "Free group" it is ascertained by the number of votes recorded in favour of the candidate who has received the largest number of votes within that group. In other words, party groups enter into competition for vacant places with the numerical total of the group, whereas candidates of the "Free group" cannot compete with more than the votes registered in favour of each individual. The places allotted to a party group are assigned to candidates in the order in which they are listed at the counting.

If voting papers register the same name with different party indications, such votes are not counted. If the same individual is put forward in two or three different groups the place assigned to him is reckoned as only a half place, or a third, as the case may be. A list of substitutes is also to be drawn up for the election of County Councillors. If a member of the Diet or a County Councillor retires before the expiration of his mandate, his successor shall be determined by a new count of votes within the group to which the former representative belonged.

It is obviously very difficult to grasp the system thus briefly described without an example of its manner of working. I have therefore the honour to transmit herewith a note, setting forth an ideal example of the way in which the counting of votes works out in an election to fill five places. This example is taken from the "Exposé des Motifs" of the Bill.

The system adopted by the framers of the Bill has been prepared by Herr Phragmen, the Chief Inspector of Insurance, and one of the foremost mathematicians of this country.

It is too early at present to speak of the prospects of the Bill, which every one is still engaged in studying. But it may certainly be said that it has at first sight created a favourable impression, as an earnest attempt to grapple with a problem which all are agreed cannot again be postponed, and that it has a fair prospect of success owing to the general feeling that discussion has already been unduly prolonged, and that the country is weary of the feeling of uncertainty which has kept the public in suspense for so many years on this important issue. It may perhaps be assumed that, although the measure is introduced by a Conservative Ministry, the opposition of the Liberal groups will be to some extent discounted by the fact that the Bill, so far as the Second Chamber is concerned, is identic with the proposal of the Liberal Cabinet submitted last year, with the addition only of the proportional system, while it includes a very radical reform of the methods of election to, and the constitution of the First Chamber, such as a Radical Government could never hope to carry through that House. Opposition in principle is more likely, indeed, to come from the Upper

S accordingly has 435 votes, M only 205. S is therefore third on the list and M fourth. The order being D, K, S, M.

The voting of the L group, leaving out of consideration for the moment the substitutes below the line, show the following results:—

1,200	..	..	..	..	..	..	..	A, B, C D.
450	..	..	..	..	..	..	..	A, B, D, H.
300	..	..	..	..	..	..	..	A, C, D, H.
150	..	..	..	..	..	..	..	A, B, C, H.

The process already described applied to this group brings out the order on the list A, D, B, C, H.

In the Free group the papers show the following result:—

800	..	..	..	..	..	..	..	P, Q.
100	..	..	..	..	..	..	..	P, X.
50	..	..	..	..	..	..	..	Q.
400	..	..	..	..	..	..	..	X, Y.
150	..	..	..	..	..	..	..	X, Z.

In this group P and X, with 900 and 600* votes respectively, are first in order. It is obvious that the others with less than 600 have no chance of election, so it is unnecessary to place them all.

The list of candidates in the order of their precedence, and the respective totals of voting papers or votes recorded for Free group candidates, may be tabulated as follows:—

M Group (1,470).	L Group (2,100).	Free Group.
D.	A.	P (900).
K.	D.	X (600).
S.	B.	
M.	C.	And so on.
	H.	

The totals for comparison in assigning the position of head of the poll are then 1,470, 2,100, and 900. The L group has the highest total, 2,100, and obtains the first place, which falls to the lot of A, who now becomes the first candidate duly elected.

In assigning the second place the total value of the L group is reduced by half its value, one of their candidates being already elected—that is to say, to 1,050. The M group, therefore, obtains the second place, inasmuch as their total of 1,470 is higher than 1,050 of the L group, or the 900 of the Free group. The elected members are now underlined in the Table thus:—

M Group (1,470).	L Group (2,100).	Free Group.
<u>D.</u>	<u>A.</u>	P (900).
K.	D.	X (600),
S.	B.	&c.
M.	C.	
	H.	

The totals for comparison become 750, 1,050, and 900. The total of the L group is now the highest, and the L group accordingly secures the third place, which falls to the lot of D. But as D has already been elected under group M, his name is twice underlined in each of the groups which have returned him.

* The second ticket credits X with only 50, as P has already been classified No. 1 on the list.

The Table is now as follows :—

M Group (1,470).	L Group (2,100).	Free Group.
<u>D.</u> K. S. M.	<u>A.</u> <u>D.</u> B. C. H.	P (900). X (600), &c.

The totals for comparison are now changed both for the M group and the L group. The place obtained by the M group and assigned to D will in future, inasmuch as D has also been elected by the L group, only be regarded as a half-place, indicated in the Table by double underlining. The total of the M group must now, in order to obtain the figure for comparison, be divided, not as before by $1 + 1$, but by $1 + \frac{1}{2}$, which gives 980 instead of 735 as the number for comparison.

The total of the L group, on the other hand, must be divided by $2\frac{1}{2}$, giving 840 as the result. The first name in the Free group remains with its total of 900 unmodified.

We have thus for comparison : M group, 980 ; L group, 840 ; Free group, 900.

The fourth place, therefore, falls to K, the second name on the list of the M group, and the Table is now as follows :—

M Group (1,470).	L Group (2,100).	Free Group.
<u>D.</u> <u>K.</u> S. M.	<u>A.</u> <u>D.</u> B. C. H.	P (900). X (600), &c.

The M group total must hereafter be divided by $2\frac{1}{2} = 588$; the L group also, as on the last count, by $2\frac{1}{2} = 840$; and the highest total for comparison in the Free group remains at 900. The first name in the Free group schedule, viz., P, has now the highest comparative total, and P is therefore elected to the fourth place.

The Table is now as follows :—

M Group (1,470).	L Group (2,100).	Free Group.
<u>D.</u> <u>K.</u> S. M.	<u>A.</u> <u>D.</u> B. C. H.	<u>P (900).</u> X (600), &c.

The figures for comparison are now : M and L groups, as before, 588 and 840 ; Free group, 600. The fifth and last place, therefore, is allotted to the L group, and secured by B.

It only remains to examine how the selection of a substitute for an elected candidate retiring or deceased is to be made. Suppose that K has to be replaced, the votes of the group to which he belonged are reviewed. Only the voting papers on which K's name appeared are now counted on behalf of all the other non-elected candidates whose names were therein included.

Omitting the names of those already elected, the voting papers give the following results :—

900	..	..	..	..	..	..	..	..	S, F, N.
300	..	..	..	..	..	..	..	..	M, N, O.
60	..	..	..	..	..	..	..	..	S, R, C.

That is to say—S, 960 votes ; M, 300 votes ; N, 1,200 ; O, 360 ; R, 60. N, therefore, having the highest numerical total, becomes the elected representative in succession to K.

S W I T Z E R L A N D .

No. 22.

Mr. Brooke to Sir Edward Grey.—(Received November 15.)

Sir,

Berne, November 12, 1906.

WITH reference to your Circular despatch of the 22nd June last, I have the honour to transmit herewith a Report drawn up by Mr. E. Hicks-Beach, Second Secretary to this Legation, chiefly from materials furnished by His Majesty's Consul-General at Zurich and His Majesty's Consul at Geneva, on the legislative measures which have been taken in Switzerland for the application of the principle of proportional representation to public elections.

I have, &c.
(Signed) H. B. BROOKE.

Inclosure in No. 22.

Report by Mr. E. Hicks-Beach respecting Proportional Representation in Public Elections in Switzerland.

PROPORTIONAL representation is in force in the following Swiss cantons :—

For the election of the Grand Council of the Cantons of Geneva, Schwyz, Zug, Soleure, Bâle-Ville, Ticino, and Neuchâtel ; for the election of the General Council in certain town communes of the Canton of Fribourg ; and for the election of the General Council of the town of Berne.

The basis of the system which has been introduced for the election of the Grand Council in the Canton of Geneva, and which is practically the same in all cases where the system has been introduced in Switzerland, is as follows :—

1. Each group of cantonal electors has the right of presenting a list of candidates for the election of Deputies to the Grand Council. This list must be signed by twenty citizens having the right to vote, and must be deposited in the "Chancellerie d'État" eight days before the election.

2. Each elector has as many votes as there are Deputies to be elected. He may put his pen through the names of one list, and may give one or more votes to the candidates on the other lists. Any elector who does not wish to join a particular group may vote freely, without mentioning any list. In this case only the votes given to the candidates are counted.

3. Each list obtains the proportion of representatives to which it is entitled by the total number of votes which it polls. This total constitutes an electoral number. Every list is entitled to as many representatives as the times the said electoral number contains the quota.

The quota is obtained by dividing the total number of votes polled by the number of Deputies to be elected, plus one.

The principle of proportional representation was brought in for the election of the Grand Council in the Canton of Geneva by a Law of the 6th July, 1892. Two of the Articles were modified by a Law of the 23rd January, 1901.

The acceptance of the Law in the Canton of Geneva was mainly owing to the situation of the political parties. The Democrats did not dare to inscribe Catholics on their lists of candidates and could not keep a majority without their co-operation. The Socialist party wished to separate from the Radicals—the governmental party—some of the members of which, fearing a growing unpopularity, looked upon proportional representation as a means of preserving their position. The Catholic party wished to be represented by its most extreme members.

Since the adoption of this Law the Radical and Democrat parties, which were strong enough to carry through any important measure, have been reduced in numbers owing to the increase of small factions, each trade wishing by degrees to have its own representative. Thus the general interests of the State are being gradually sacrificed to purely local concerns as a result of the introduction of proportional representation, and the laws are the result of coalitions of different factions in the Legislative Body and of compromises between them. The system also contributes towards the increase of the extreme parties and the suppression of the moderate parties in the canton.

In Canton Schwyz the proportional system was introduced in 1898 for the election of the Cantonal Grand Council, but only in the case of municipalities having the right to elect three or more members of that body. This system is now also applied to the election of the provisional Legislative Council appointed especially for the purpose of framing the new Constitution or changes therein.

In the Canton of Zug the system of proportional representation was first introduced by the Cantonal Law of the 1st September, 1894, and was completed by that of the 10th October of the same year. This Law has, however, given rise to many complaints, in consequence of the somewhat complicated method of election, the different conception and execution of certain clauses, and the small amount of zeal shown by a portion of the voters to get sufficiently acquainted with the manner of election—*i.e.*, the prescribed mode of exercising the right of voting—whereby a considerable number of both voting papers and votes were rendered invalid. The right of accumulative voting in particular was objected to.

As a result the Law of the 21st September, 1896, was brought in, which is, on the whole, more definite, simplifying the duties of voters and affording them all possible facilities and freedom of action, which were not provided for in the Law of the 1st September, 1894. The revised Law has apparently so far proved successful. The voters have become fairly accustomed to it, and the great majority of them would not, it is thought, care to give up the free and uncontrolled system of secret voting.

Each party obtains a number of representatives in proportion to its strength, and the exclusive predominance of any single party is thus rendered impossible.

The proportional system is applied in this canton by the above-mentioned Law to the election of the Executive Council and the Cantonal Grand Council, and also for the appointment of the judicial authorities, *i.e.*, for all elections except those of the municipal authorities which take place by public vote, unless at least one-tenth of the electors previously demand voting by ballot and the application of the proportional system.

In Canton Soleure the proportional representation system was introduced on the 17th March, 1895, for the election of the Cantonal Council and of Municipal Councils composed of more than seven members. It is optional in the election of smaller Municipal Councils and of Municipal Committees.

The system has proved successful and its defects are said to be slight, or at any rate exaggerated. The following objections are brought forward against the Law :—

1. Excessive official formalities and difficulties in correcting the mistakes made by voters. The supporters of the proportional system, however, reply that this is the fault of the parishes in not following the instructions sufficiently closely.
2. Introducing the system of substituting the names of candidates.
3. The lengthy preparations it entails for elections. To this objection advocates of the proportional system reply that this is no evil.
4. It is stated that electoral practices have not improved since the introduction of the new method. To this argument those who are in favour of the system reply that it is a fact that electoral practices have improved and that the elections of 1896 and 1900 passed off quietly and smoothly as compared with former ones.

In the year 1903 the Cantonal Council, after a lively debate, rejected a Bill for the revision of the law of election by proportional representation and the discussion.

showed that it was recognized that the working of the present law favourably affected the political life of the canton.

In the Canton of Bâle-Ville Bills for election by proportional representation were twice rejected, first in 1890 and then in 1900, but a Bill was finally passed in January 1905 introducing this system for the election of the Grand Council. In May 1905 the elections for the Grand Council took place in accordance with the provisions of this law, and passed off without the slightest difficulty. The voting was closed at 2 P.M. and the result of the election was made known the same evening. The result was highly satisfactory, as the various parties not only obtained a representation precisely in accordance with their strength, but representatives were also elected in each party who enjoyed the greatest confidence. Those parties who on the old majority system were too strongly represented naturally suffered severe losses, but even they had to acknowledge the justice of the new system.

In the Canton of Ticino the majority system of elections caused agitations which led to excesses rendering in 1889 and 1890 the intervention of the Federal Council and the dispatch of Federal troops necessary.

On the 9th February, 1891, a new clause was added to the Constitution by which election on the proportional system of the Deputies for the Grand Council and the provisional Legislative Council appointed especially for the purpose of framing the new Constitution or changes therein, as also of the members of the Communal Councils, was established.

In 1892 it was decided to extend the proportional system to the election of the Cantonal Council of State (Executive Council); in 1895 to that of the district and cantonal juries; and in 1898 to that of the recently introduced institution of "parish representation."

There is some difference of opinion as to whether proportional representation should be applied to the election of legislative bodies only or also to that of the executive power. In this canton the question was long ago decided, though not without the influence of the Federal Council. The election by proportional representation of the Council of State played in its time an integral part in the pacification of Ticino, and has, on the whole, proved a success. It takes place in perfect order and without the excesses and personal attacks which occurred formerly.

The system of proportional election was introduced for the election of the General Council of the town of Berne by a Decree on the 26th November, 1899, which came into force on the 25th January, 1900.

M. Bandelier, a Bernese authority on the subject, states that the system has proved highly satisfactory. As each party obtains a number of Representatives in proportion to its strength, the heated controversies which formerly occurred during elections at Berne have now disappeared. The only people, he states, who are discontented with the system are those who were formerly able to secure large majorities at elections, and in consequence of this he does not consider that the system will be introduced for the Cantonal elections where some of the parties are extremely powerful and do not wish to let the less strong parties obtain their due share. He further states that, in his opinion, the system of proportional representation is better suited to a small country like Switzerland than to countries where large and powerful parties exist.

In the Canton of Neuchâtel the system of proportional election was introduced for the election of the Grand Council by a Decree on the 25th January, 1895, which came into force on the 1st of March of that year.

In the Canton of Fribourg the system of proportional election was introduced for the election of the General Council in certain town communes by a Decree on the 23rd March, 1895.

In the Canton of St. Gall, repeated attempts have been made to introduce the system of proportional election, but there has always been a majority against it up to the present.

The following objections are raised against the system :—

1. The complicated method and the lengthy preparation it entails.
2. The system will not bring union among the parties as prophesied.
3. By accumulative voting small parties obtain undue importance.
4. The proportional system would open the Councils to undesirable elements.

In the Canton of Lucerne, although there are a certain number of people who desire to introduce the system of proportional election, the prospects of its being adopted are very small at present.

The system of proportional election is, according to Dr. Klöti, a Swiss authority on the subject, on the whole to be recommended where large electoral districts exist. The smaller the electoral district the nearer the result of an election on the majority system approaches that obtained on the proportional system, so that the need for the proportional election is not so great in small districts.

Experience has shown in Switzerland that where the proportional system has been introduced it has led to an abatement of the heated election contests and that each party has obtained what it desired.

(Signed) E. HICKS-BEACH.

UNITED STATES.

No. 23.

Sir M. Durand to Sir Edward Grey. — (Received August 27.)

Sir,

Lenox, Massachusetts, August 16, 1906.

WITH reference to your Circular despatch of the 22nd June, requesting information concerning proportional representation in this country, I have the honour to transmit to you herewith a Report on the subject which has been drawn up by Mr. R. C. Lindsay, Second Secretary to His Majesty's Embassy.

I have, &c.
(Signed) H. M. DURAND.

Inclosure in No. 23.

Mr. Lindsay to Sir M. Durand.

Sir,

Lenox, Massachusetts, August 13, 1906.

I HAVE the honour to inform you that the State of Illinois is the only one in the Union in which proportional representation obtains. The system of what they call the "Australian" or "free" voting for Members of the General Assembly, the Lower House of the State Legislature has now been in practical operation for more than thirty years.

The State is divided into fifty-one Senatorial districts of as nearly the same population as practicable, each of which sends to the State Legislature one Senator and three Representatives. By the terms of the Constitution of 1870, Article 4, Section 7, "each voter may cast as many votes for one candidate as there are Representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidates highest in votes shall be declared elected." This provision of the Constitution has not been amended in any way. The other States of the Union, and the Federal House of Representatives, though generally attempting to secure one vote for one value, elect their Representatives as a rule from single-member constituencies, and do not attempt to give representation to political minorities.

Thus in elections for the General Assembly, the Illinois voter may cast his three votes for one candidate, or one-and-half votes for each of two, or one vote for each of three candidates. As a result, parties in the Illinois General Assembly show a correspondence to the political complexion of the State which is not attained by any other elected Legislative Body in the United States.

A ready manner of ascertaining this correspondence is to compare the party representation in the State Assembly with a vote cast at the same time for some State or Federal official elected by all the voters of the State. In 1904, on the same day, the 8th November, elections took place for President of the United States, Governor of

Illinois, and several other State officials, for the whole of the State General Assembly, and for half the State Senate. The votes cast were as follows :—

	Republican.	Democrat.	Prohibition.	Socialist.	Socialist Labour.	Populist.	Continental
Vote for President of the United States ..	632,645	327,606	34,770	69,225	4,698	6,725	830
Per cent.	58·77	30·43	3·23	6·43	·44	·62	·08
Representation in General Assembly of State ..	91	57	2	2	And 1 independent.		
Per cent.	59·49	37·25	1·32	1·32	·67		

At a previous election the proportionality of the leading parties was even closer :—

	Republican.	Democrat.	Prohibition.	Populist.	Socialist.
Percentage of vote for State official ..	51·1	46·2	1·3	·9	·5
Percentage of representation in State Assembly	52·9	46·4	·7	..	..

These tables, in addition to the fact that the delegation from every one of the districts in the 1904 election, except two, stood in the proportion of two to one, would tend to show that the system is effective in giving a voice to the minority. At the same time its effectiveness would appear to depend largely on the ability of the political managers to gauge beforehand the strength of their party in each constituency. The somewhat unduly large representation obtained by the Democrats in 1904, appears to be accounted for, as will be shown, by the fact that most of the errors of judgment in this matter were in their favour.

In the two specific cases above mentioned, the delegation consisted of one Republican, one Democrat, and one Socialist. The voting was as follows :—

In the 4th district :—

	Republican.	Democrat.	Prohibition.	Socialist.
Vote cast for Senator	8,370	6,663	299	3,051
Vote cast for Representatives	22,245	9,796 | 10,397	1,758	10,550

In the 9th district :—

	Republican.	Democrat.	Prohibition.	Socialist.
Vote cast for Representatives	21,976	10,045 | 7,672	975	8,482

(In the 1904 election, there was no Senator elected, nor can the votes cast for President or State officials be ascertained separately for the district.)

It would appear that in these cases the Republicans under-estimated their strength in the districts, and that if they had put up two candidates in each, they might have elected both, in each case depriving the Democrats of their Representative, unless they had concentrated their efforts on electing one candidate. But as the delegations stand, the proportionality among the parties would appear to be fairly just.

The same thing seems to have happened in other constituencies where the balance of parties was even :—

18TH DISTRICT.

			Republicans.	Democrats.	Prohibition.	Socialists.
Senate vote	..	..	8,946	8,997	378	885
Assembly vote	..	..	12,595 | 12,742	8,670 | 9,316	10,160	2,280

36TH DISTRICT.

Senate vote	..	..	12,141	11,352	1,117	933
Assembly vote	..	..	34,218	16,674 | 16,682	2,450	2,337

40TH DISTRICT.

Senate vote	..	..	12,244	10,587	1,411	286
Assembly vote	..	..	36,141	16,098 | 16,127	4,083	416

48TH DISTRICT.

Senate vote	..	..	11,866	10,462	1,295	..
Assembly vote	..	..	34,894	15,825 | 15,968	4,099	..

The above figures show errors of calculation on the part of the Republicans three times, and once on the part of the Democrats, where, by splitting their vote, they surrendered a seat to the Prohibitionists; but it is generally supposed, and the general figures would tend to prove that the errors correct each other, and in the body of Representatives, proportionality is pretty fairly secured. Moreover, it is unsafe to draw too many conclusions from calculations based on the voting returns of single constituencies, as it is not possible to take into consideration powerful local influences which may be at work. Further, it is impossible to judge to what extent electors may have split their votes, though in America the vast majority "vote the straight ticket," i.e., cast all their votes loyally for the official party candidates throughout the list.

It might be thought that the highly efficient party machinery of American politics would be specially capable of fulfilling the task of estimating the strength of a party in a constituency, and of nominating candidates in proportion thereto. It is therefore somewhat surprising that proportional representation is not more widely used in the United States than it is; but American politics seem to be carried on with such relentless energy that parties seek, not the defeat, but the annihilation of their opponents, and throughout the country the tendency is strongly towards narrowing the constituencies. The result may be shown by comparing the Illinois General Assembly with the Senate, elected on a one-member basis from the same districts. The proportionality of parties in the latter is the more typical of what usually obtains in American Legislative bodies.

	Election of 1904.				
	Republican.	Democrat.	Prohibition.	Socialist.	Others.
Percentage of votes cast in Presidential election	58·77	30·43	3·23	6·43	1·04
Percentage of representation of parties in Assembly	59·49	37·25	1·32	1·32	·67
Percentage of representation of parties in State Senate	80·39	19·61	..	..	..

With reference to proportional representation in the United States, it only remains for me to add that the Illinois system for the election of State Representatives was submitted to the people by the Constitutional Convention of South Dakota, but was defeated at the polls.

I have, &c.
(Signed) R. C. LINDSAY.

*Reports from the Colonies of Tasmania, Cape of Good Hope, Queensland,
and Victoria.*

TASMANIA.

No. 24.

Colonial Office to Foreign Office.—(Received April 17.)

Sir,

Downing Street, April 16, 1907.

WITH reference to the letter from this Department of the 5th instant respecting the return for Parliament, showing the application of the principle of proportional representation to public elections in foreign countries and British Colonies, I am directed by the Earl of Elgin to transmit to you, to be laid before Sir Edward Grey, the accompanying papers which, in his Lordship's opinion, should be included in the Return.

In the case of the printed volumes accompanying the despatch from the Governor of Victoria only the marked portions, viz., pp. 184 to 189 of the Acts of the Church Assembly, and Nos. 85 to 108 of the Standing Orders of the Senate of the University of Melbourne, should, it would seem, be printed.

I am, &c.

(Signed) C. P. LUCAS.

Inclosure 1 in No. 24.

Governor Sir G. Strickland to the Earl of Elgin.

My Lord,

Government House, Hobart, February 18, 1907.

IN accordance with the instructions contained in your Lordship's Circular despatch of the 1st November, I have obtained from my Ministers particulars showing the application of the principle of proportional representation in Tasmania, which are transmitted herewith, viz. :—

(a.) A Memorandum dated the 7th February by the Honourable J. W. Evans, Premier and Chief Secretary.

(b.) A Bill to regulate Parliamentary Elections, which has been passed in the House of Assembly, and awaits consideration by the Legislative Council.

(c.) A report on the Hare-Clark system of voting, at one time adopted in Tasmania.

I have, &c.

(Signed) G. STRICKLAND.

Inclosure 2 in No. 24.

Memorandum.

PROPORTIONAL representation was first introduced into Tasmania in the year 1896. The Act 60 Vict., No. 49, required that in any constituency where there was more than one member to be elected the mode of voting should be conducted under the "Hare system." This restricted the application of the Hare system to the two city electorates (Hobart and Launceston), as the remaining electorates returned single members only.

By the Electoral Act of 1901 (1 Edw. VII, No. 57) the ordinary system of voting was resorted to for all elections. The following is a list of State Elections conducted under the Hare system in Tasmania :—

Date.	Electorate.	Number of Seats.	Number of Candidates.
January 20, 1897	Hobart	6	12
" 20, "	Launceston	4	...
March 12, 1900...	Hobart	6	9
" 12, ,, ...	Launceston	4	..

The first elections of Tasmanian Representatives for the Commonwealth Parliament held in March 1901 were also conducted under the Hare system, the law requiring that the first Federal Elections should be carried out in accordance with the Electoral Acts in force in the several States. A report on these elections was prepared by the Returning Officer and Government Statistician, copy of which is inclosed.

A new Electoral Bill (copy inclosed) is now before our Parliament. It provides for the grouping of the existing House of Assembly single electorates and the adoption of the Hare system of voting. This Bill has passed the Assembly and awaits consideration by the Legislative Council.

(Signed) J. W. EVANS, *Chief Secretary.*

*Chief Secretary's Office, Hobart,
February 7, 1907.*

Inclosure 3 in No. 24.

(This Public Bill originated in the House of Assembly; and having this day passed, is now ready for presentation to the Legislative Council for its concurrence.)

(Signed) JOHN KIDSTON REID,
Clerk of the House.

October 18, 1906.

[Brought in by the Premier, the Honourable J. W. Evans.]

A Bill to regulate Parliamentary Elections.

BE it enacted by his Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

A.D. 1906.

PART I.—*Preliminary.*

1. This Act may be cited as "The Electoral Act, 1906," and, except as herein otherwise provided, shall commence and take effect as from a day to be fixed by Proclamation by the Governor.

Short title.

2. "The Electoral Act, 1901," and "The Electoral Amendment Act, 1904," shall be and the same are hereby repealed.

Repeal.
1 Edw. VII, No. 57.
4 Edw. VII, No. 1.
Division of Act.

3. This Act is divided into Parts, as follows :—

- Part I.—Preliminary.
- Part II.—Administration.
- Part III.—Electoral Districts and Polling-places.
- Part IV.—Electoral Rolls.
- Part V.—Additions to Rolls, Transfers, and Alterations to Rolls.
- Part VI.—Removal of Names from Rolls.
 - Division 1.—Objections.
 - Division 2.—Appeals.
- Part VII.—Writs for Elections.
- Part VIII.—The Nominations.
- Part IX.—Voting by Post.
- Part X.—The Polling.
- Part XI.—The Scrutiny.
- Part XII.—The Return of the Writs.
- Part XIII.—Limitation of Electoral Expenses.
- Part XIV.—Electoral Offences.
- Part XV.—Disputed Returns.
- Part XVI.—Miscellaneous.

Interpretation.

4. In this Act, unless the contrary intention appears—

“Absolute majority of votes.”

“Absolute majority of votes” means a number greater than one-half of the whole number of ballot papers other than exhausted and informal ballot papers. The casting vote of the Returning Officer shall be included in reckoning an absolute majority of votes.

“Assembly.”

“Assembly” means the House of Assembly of the Parliament of Tasmania.

“Assembly District.”

“Assembly District” means an electoral district for the return of members to represent such district in the House of Assembly.

“Candidate.”

“Candidate” means any person duly nominated for election under this Act, and in Parts II, XIV, and XV includes any person who, within three months before the day of election, offers himself for election as a member of the Assembly or the Council, or within such period does any Act with the object of securing his election as such member, and afterwards becomes a candidate.

“Chief Electoral Officer.”

“Chief Electoral Officer” means the officer for the time being appointed to that office, and includes a deputy or substitute.

“Council.”

“Council” means the Legislative Council of the Parliament of Tasmania.

“Council District.”

“Council district” means an electoral district for the return of Members to represent such district in the Council.

“District.”

“District” means electoral district.

“Gazette.”

“Gazette” means “The Hobart Gazette.”

“General Election.”

“General Election” means an election which takes place after a dissolution of the Assembly, or at the expiration of the term for which members of the Assembly are elected.

“Elector.”

“Elector” means any person whose name appears on a roll as an elector.

“Electoral Registrar.”

“Electoral Registrar” includes a Returning Officer acting as Registrar.

“First choice.”

“First choice recorded for a candidate” means a voting-paper on which the number 1 is marked in the square opposite such candidate's name.

“Minister.”

“Minister” means the responsible Minister of the Crown for the time being, administering the Act.

“Officer.”

“Officer” includes the Chief Electoral Officer for the State, Returning Officer, Assistant Returning Officer, Electoral Registrar, Presiding Officer, Assistant Presiding Officer, and Poll Clerk.

“Parliament.”

“Parliament” means the Parliament of Tasmania.

“Prescribed.”

“Prescribed” means prescribed by this Act or the Regulations.

“Proclamation.”

“Proclamation” means a Proclamation by the Governor published in the “Gazette.”

“Returning Officer.”

“Returning Officer” includes an Assistant Returning Officer.

“Roll.”

“Roll” means an electoral roll under this Act.

“This Act.”

“This Act” includes all Regulations made thereunder.

Words in this Act referring to an officer, office, roll, list, election, district, division, or place shall be construed distributively as referring to each officer, office, roll, list, election, district, division, or place to whom or to which the provision is applicable.

5. The penalty, pecuniary or other, set out—

(i.) At the foot of any section of this Act; or

(ii.) At the foot of any sub-section of any section of this Act, but not at the foot of the section—

shall indicate that any contravention of the section or of the sub-section respectively, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the penalty mentioned.

Provided that where the penalty is expressed to apply to a part only of the section or sub-section, it shall apply to that part only.

PART II.—Administration.

Chief Electoral Officer.

6.—(1.) The Governor may on the recommendation of the Public Service Board, and subject to the provisions of “The Public Service Act, 1905,” from time to time appoint some fit person to be a Chief Electoral Officer for the State, who shall have such powers and functions as are conferred upon him by this Act or the Regulations.

(2.) Such Chief Electoral Officer may hold such office in conjunction with any other office not inconsistent therewith, and shall be paid such salary or addition to his salary as may be from time to time appropriated for that purpose by Parliament.

(3.) If at any time the Chief Electoral Officer is from any cause incapable of acting, the Governor may, on the recommendation of the said Board, appoint some fit person to discharge the duties of the office temporarily, and while so acting the person so appointed shall have and may exercise all the powers, duties, and functions of the Chief Electoral Officer.

Returning Officers.

7.—(1.) The Minister, on the recommendation of the Chief Electoral Officer, may from time to time appoint—

(i.) A Returning Officer for each district, who shall be charged with the duty of giving effect to this Act within or for his district, subject to the directions of the Chief Electoral Officer;

- (ii.) Assistant Returning Officers to exercise within or for any portion of a district, and subject to the control of the Returning Officer, all the powers of the Returning Officer except the powers of that officer under Part IX of this Act. Assistant Returning Officers.
- (iii.) Electoral Registrars to keep the rolls for specified polling-places. Electoral Registrars.
- The Returning Officer shall act as Electoral Registrar to keep the rolls for all polling-places for his district, for which no Electoral Registrar has been appointed.
- Each Electoral Registrar shall be directly responsible for the due discharge of his duties to the Returning Officer of the district, and the duties of such Electoral Registrar shall be as prescribed. Electoral Registrar responsible to Returning Officer.
- (2.) The Minister, on the like recommendation, may from time to time suspend from office or remove any officer appointed under this section. Removal of officers appointed.
8. If at any time any officer, not being the Chief Electoral Officer, is from any cause incapable of acting, the Minister may appoint some fit person to discharge the duties of the office temporarily, and whilst so acting, the person so appointed shall have and may exercise all the powers, duties, and functions of the officer in whose place he is appointed. Chief Electoral Officer may appoint substitutes.
9. No candidate shall be appointed an officer, and if any officer becomes a candidate he shall thereby vacate his office. Candidates not to be officers.
10. Such remuneration shall be paid to officers appointed by the Minister under this Part as may from time to time be prescribed. Remuneration of officers.
11. All Returning Officers and Electoral Registrars shall keep forms, and without fee supply them and assist the public in their use. Keeping of forms.
12. All officers (including the Chief Electoral Officer) administering the electoral laws at the commencement of this Act are continued in office as if appointed under this Act. Existing officers.

PART III.—*Electoral Districts and Polling-places.*

- 13.—(1.) For the purpose of returning members to serve in the Parliament the State of Tasmania shall be divided into five electoral districts, named in Schedule I, and each of such districts shall return— Electoral districts and members. Schedule I.
- (i.) Members to serve in the Council in accordance with the provisions of an Act passed by the Parliament of Tasmania and this present session, amending the Constitution Act; and
- (ii.) Six members to serve in the Assembly.
- (2.) The boundaries of such districts are set forth in Schedule II. Schedule II.
14. The Governor may, by notice in the "Gazette"— Polling-places. Com., 1902, No. 19, s. 24. W.A., 1904, No. 20, s. 19 & 91.
- (i.) Appoint a chief polling-place for each district;
- (ii.) Appoint such other polling-places for each district as he thinks necessary;
- (iii.) Abolish any polling-place;
- (iv.) Establish a polling-place area for any specified polling-place and fix its boundaries.
- Provided that no polling-place shall be abolished or polling-place area be established after the issue of the writ, and before the time appointed for its return.
15. When— Change of electors from one polling-place to another. Com., 1905, No. 26, s. 17.
- (i.) A polling-place is appointed or abolished; or
- (ii.) A polling-place area is established—
- the Minister may, by notice in the "Gazette," give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another, and effect shall be given to those directions in the prescribed manner.

PART IV.—*Electoral Rolls.*

16. Electoral Rolls shall be prepared as soon as conveniently may be after the commencement of this Act, under the direction of the Chief Electoral Officer, by the persons and in the manner directed by Proclamation, and shall come into force at a date to be fixed by Proclamation. Preparation of rolls.
- 17.—(1.) There shall be a roll for each Assembly and for each Council District. Polling-place rolls, district rolls. Com., 1905, No. 26, s. 18.
- (2.) There may be a separate roll for each polling-place (in this Act called a "Polling-place roll").
- (3.) All the Polling-place Rolls for a district shall together form the roll for the district (in this Act called a "District Roll").
18. The rolls may be in the prescribed form, and there shall be described therein— Form of rolls.
- (i.) In the case of Assembly Rolls, the surname, Christian names, sex, place of living, and occupation of each elector;
- (ii.) In the case of Council Rolls, the foregoing particulars and also particulars of the qualification of each elector and the nature thereof—
- and all rolls shall contain such other particulars as may be prescribed.

Arrangement with
Commonwealth.
Ibid., s. 18.

19.—(1.) The Governor may arrange with the Governor-General of the Commonwealth for the preparation, alteration, and revision of the Assembly Rolls, in any manner consistent with the provisions of this Act, jointly by the State and the Commonwealth, to the intent that the rolls may be used as Electoral Rolls for Commonwealth elections as well as State elections.

(2.) When any such arrangement has been made, the rolls may contain, for the purposes of such Commonwealth elections—

(i.) The names and descriptions of persons who are not entitled to be enrolled thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as State electors;

(ii.) Distinguishing marks against the names of persons enrolled as State electors, to show that those persons are or are not also enrolled as Commonwealth electors;

(iii.) Other particulars in addition to the prescribed particulars;
and for the purposes of this Act the names and descriptions, marks, and particulars so contained shall not be deemed part of the roll.

Persons entitled to
have their names
on roll.
Ibid., s. 18.

20.—(1.) Any person qualified to vote at an election for the Council or Assembly, or who would be qualified so to vote if his name were upon a roll, shall be entitled to have his name placed upon one Polling-place Roll for the district—

(i.) In the case of an elector for the Council in respect of which he possesses a qualification;

(ii.) In the case of an elector for the Assembly in which he lives.

(2.) Except as provided in this section or as prescribed he may have his name placed on any one Polling-place Roll for the district.

(3.) The Regulations may prescribe the Polling-place Roll on which electors for an Assembly District who live in any specified area or locality shall be entitled to have their names placed.

(4.) No person may have his name placed on more than one Assembly Roll, or upon any Assembly Roll other than that for the district in which he lives.

(5.) No person possessing more than one qualification within a Council District is thereby entitled to be registered more than once for that district.

New rolls.
Ibid., s. 18.
W.A., s. 27.

21. New rolls for any polling-places or districts, and new rolls generally shall be prepared whenever directed by Proclamation by the Governor, by the persons and in the manner specified in the Proclamation or prescribed by the Regulations, and shall come into force at the date stated in the same or any subsequent Proclamation.

Names to be
inserted and
omitted.
W.A., s. 29.

22. In preparing new rolls—

(i.) The names of all persons who appear to be qualified shall be inserted; and

(ii.) The names of all persons—

(a.) Who, from information supplied by a Registrar of Births and Deaths, appear to be dead; or

(b.) Who appear to be disqualified; or

(c.) In the case of Assembly Rolls, who do not appear to live in the district—

shall be omitted.

Printing of rolls.
Ibid., s. 18.

23. Any roll or rolls for a specified district or districts and rolls generally shall be—

(i.) Printed;

(ii.) Reprinted so as to show the state of the roll or rolls as at a specified date—

whenever the Minister so directs.

Supplemental rolls.
Ibid., s. 18.
W.A. s. 24.

24. Supplemental Rolls, in the prescribed form, setting out additions since the last print, and such other particulars as may be prescribed, shall also be prepared, and, wherever practicable, printed immediately previous to a general or periodical election, and at such other times as the Minister directs.

Inspection.
Ibid., s. 18.
W.A., s. 25.

25.—(1.) The last printed copy of the roll for each district shall be open for public inspection within the prescribed hours on at least two days in every week at the chief polling-place for the district without fee, and shall be obtainable thereat and at such other places as the Chief Electoral Officer appoints, and on payment of such price as may be prescribed.

(2.) Every roll kept by an Electoral Registrar shall be open to public inspection without fee at such times and places as are prescribed.

Officers to furnish
information.
Ibid., s. 18.

26.—(1.) All officers in the service of the State, and all constables, and all officers in the service of any local governing body, are hereby authorized and required to furnish to the Chief Electoral Officer for the State, or any Electoral Registrar, all such information as he requires to enable him to prepare or revise the rolls.

5 Edw. VII, No. 29,
s. 41 (N.Z.).

(2.) All constables are hereby enjoined to assist any Electoral Registrar by making inquiries, collecting information, and otherwise as he requests.

PART V.—*Additions to Rolls, Transfers, and Alterations of Rolls.*

Addition of new
names.
Com., s. 55.
W.A., s. 31.

27. New names may be added to rolls pursuant to—

(i.) Claims;

(ii.) Applications to transfer.

28. Claims may be in the Form (A) or (B) in Schedule III, and shall be signed by the claimant, and shall be sent to the Electoral Registrar keeping the Polling-place Roll on which the elector claims to be enrolled. Forms of claims (A) and (B), Schedule III. Com., 1905, No. 25, s. 19. W.A., s. 32.
29. If the claim is in order, and the Electoral Registrar is satisfied that the claimant is entitled to be enrolled, he shall, pursuant to the claim, immediately enter the claimant's name and the particulars relating to him on the roll in the prescribed manner, and shall file the claim. Registration of claims. Com., 1902, No. 19, s. 57. Amended by 1905, No. 26, s. 19. W.A., s. 33.
30. Any elector whose name is on the roll for any Assembly District, and who has lived in any other Assembly District for one month, may transfer his name to the roll for the Assembly District in which he lives. Right to transfer. Com., 1902, s. 58. W.A., s. 35.
31. Every transfer shall be made by application to transfer in the Form (C) or (D) in Schedule III. Forms of transfer (C) and (D), Schedule III. Com., 1902, s. 59. W.A., s. 36.
32. The application to transfer shall be signed by the elector and witnessed by an elector and sent to the Electoral Registrar keeping the Polling-place Roll to which the elector's name is to be transferred. Method of transfer. Com., 1902, s. 60, amended by Com., 1905, s. 22. W.A., s. 36.
33. The Electoral Registrar shall—
- (i.) Note, on the application to transfer, the date of its receipt, and file it in his office ;
 - (ii.) If it appears that the applicant is entitled to the transfer, register it by placing the elector's name on the roll ;
 - (iii.) Give notice of the transfer to the Electoral Registrar keeping the Polling-place Roll from which the elector's name has been transferred, who shall thereupon remove the elector's name from the roll.
- Registration of transfer. Com., 1902, s. 61, as amended. W.A., s. 37.
- 34.—(1.) Any elector whose name is on a Polling-place Roll may make application in the prescribed form to be changed to another Polling-place Roll for the same district on which he is entitled to have his name placed. Change to another polling-place roll. Com., 1905, s. 24.
- (2.) The application to change shall be signed by the elector and witnessed by the elector, and sent to the Electoral Registrar keeping the Polling-place Roll to which the elector's name is to be changed.
- (3.) The Electoral Registrar shall—
- (i.) Note on the application to change the date of its receipt, and file it in his office ;
 - (ii.) If it appears that the applicant is entitled to the change, register it by placing the elector's name on the roll ;
 - (iii.) Give notice of the change to the Electoral Registrar keeping the Polling-place Roll from which the elector's name has been changed, who shall thereupon remove the elector's name from the roll.
- 35.—(1.) In addition to other powers of alteration conferred by this Act, rolls may be altered by the Electoral Registrar as follows :—
- Alteration of rolls. Com., 1905, s. 25. W.A., s. 38.
- (i.) By correcting any obvious mistake or omission ;
 - (ii.) By changing on the written application of an elector the original name or address of the elector to an altered name or address ;
 - (iii.) By substituting for the qualification of an elector on the roll for a Council District another sufficient qualification within the same district, on the application of the elector in the Form (D) in Schedule III ;
 - (iv.) By striking out the names of dead persons ;
 - (v.) By reinstating any name struck out by mistake as the name of a dead person.
- (2.) Rolls may be altered by the Returning Officer by adding the names of any persons who he is satisfied are entitled to be enrolled.
36. Where an elector's name is on a Polling-place Roll on which he is not entitled to have his name placed, the Returning Officer may change the elector's name to another Polling-place Roll for the same district on which he is entitled to have his name placed, and shall forthwith notify the elector of the change. Change to proper polling-place roll. Com., 1905, s. 26.
37. Claims and applications to transfer or change received by the Returning Officer or Registrar before 6 o'clock of the afternoon of the day on which the writ is issued may be registered after the issue of the writ, but otherwise no addition to or alteration of the roll for any district shall be made during the period between the issue of the writ for an election in the district, and the close of the polling at the election. Time for altering rolls. Com., 1902, s. 64. W.A., s. 40.
38. All alterations shall be made in such a manner that the original entry shall not be obliterated, and the reason for the alteration and the date thereof shall be set against the alteration, together with the initials of the officer making the alteration. Alterations to be initialled. Com., 1902, s. 65. W.A., s. 41.

List of deaths to be forwarded.
Com., 1902, s. 66.
W.A., s. 42.

Also with lists of marriages of adult women.
5 Edw. VII, No. 29, s. 40 (N.Z.).

39. Every Registrar of Births and Deaths shall, in the months of January, April, July, and October in each year, forward to the Returning Officer of the electoral district, which includes any portion of the district for which such Registrar is appointed, a list of the names, addresses, and occupations of all persons of the age of 21 years or upwards whose deaths have been registered in the latter district during the preceding three months, and the Returning Officer shall cause the name of every person on the roll who is named in any such list of deaths to be struck off the roll.

40.—(1.) Every Registrar of Marriages shall, in the months of January, April, July, and October, send to the Returning Officer of every electoral district as aforesaid a correct list of the marriages of all women of the age of 21 years or upwards registered by him during the preceding three months, stating in such list the former name, residence, and in addition of each person returned on such list, and also the name, residence, and occupation of the man to whom she is married.

(2.) The Registrar of the electoral district shall remove from the roll the name of every woman on the roll who is named on any such list, and in lieu thereof (where necessary) insert her married name in its proper alphabetical order.

(3.) If for any reason such alteration is not made before the issue of the writ, then she shall (if qualified to vote for that district) be entitled to vote in right of her former name as appearing on the roll.

PART VI.—*Removal of Names from Rolls.*

Division 1.—*Objections.*

41. Any name on a roll may be objected to by objection in writing, lodged with or made by the Returning Officer.

Provided that a sum of 5s. shall be deposited in respect of each objection lodged by any person other than an officer, to be forfeited to the King if the objection is held by the Returning Officer to be frivolous.

42. The objection may be in the Form (E) in Schedule III, and shall be signed by an elector registered on the same District Roll, or by the Returning Officer or Registrar.

43. It is the duty of the Returning Officer and of each Registrar to lodge or make an objection in writing setting forth the grounds of such objection in respect of any name which either of them has reason to believe ought not to be retained on the roll.

44. The Returning Officer shall forthwith give notice of the objection to the person objected to. The notice may be in the prescribed form, and be served by posting it to the last-known place of abode of the person objected to, or if that is not known then, to the place of residence appearing on the roll.

45. The person objected to may, orally or in writing, in the prescribed manner, answer the objection.

46.—(1.) On receipt of the answer of the person objected to, or after the expiration of twenty days from the posting of the notice, the Returning Officer shall determine the objection, and if it appears that the person objected to is not qualified or entitled to be enrolled on the roll, shall strike out his name.

(2.) If any objection is held by the Returning Officer to be frivolous, the person objected to shall be entitled to a reasonable allowance not exceeding 5l., and the Returning Officer shall award such sum to be paid by the objector, and in default of payment such sum may be recovered by the person objected to in any Court of competent jurisdiction as a debt due to him by the objector.

Division 2.—*Appeals.*

47.—(1.) Any person—

(i.) Who has made and sent in a claim to be enrolled upon a roll, and who has not been enrolled pursuant to the claim; or

(ii.) Whose name has been struck off the roll by the Returning Officer upon an objection by any person—

may in manner prescribed make application to a Court of Petty Sessions, constituted by a Police Magistrate, or any two or more Justices of the Peace who are hereby authorized to hear and determine electoral appeals, for an order directing that his name may be added or restored to the roll.

(2.) Where an objection under Division 1 of this part has been determined by the Returning Officer adversely to the person objecting, that person (not being an officer) may in manner prescribed apply to a Police Magistrate or any two or more Justices of the Peace as above mentioned, for an order sustaining the objection.

(3.) Where the application has reference to the decision of the Returning Officer upon an objection, the applicant shall as prescribed serve the objector or the person objected to (as the case may be) with notice of the application, and the person so served may appear, or may in writing authorize any person to appear on his behalf, to resist the application.

Names on roll may be objected to.
Com., 1905, s. 29.

Objection.
Form (E),
Schedule III,
Ibid., s. 29.

Duty to object.
Ibid., s. 29.

Notice of objection.
Ibid., s. 29.

Answer to
objection.
Ibid., s. 29.

Determination of
objection.
Ibid., s. 29.

Appeal to Court of
Petty Sessions.
Ibid., s. 29.

(4.) The Court may hear or determine any application under this section, and make such order as it thinks fit as to the costs of the application, which may be recovered in a summary way in the same manner as the costs of any other proceeding before the Court.

(5.) The Clerk of the Court shall send by post to the Returning Officer a certified copy of the order of the Court, and it shall be the duty of the Returning Officer to make such entries (if any) upon the roll as are necessary to give effect to the order.

(6.) A Police Magistrate, or two Justices of the Peace authorized as above mentioned, shall for the purposes of this section be deemed to be, and shall have all the powers of, a Court of Petty Sessions.

PART VII.—*Writs for Elections.*

48. Writs for the election of members of the Council or of the Assembly may be in the prescribed form, and shall fix the dates for—

Form of writs.
Com. 1902, s. 86.
W.A., s. 62.

- (i.) The nomination;
- (ii.) The polling; and
- (iii.) The return of the writ.

49. The writ for the election of any member or members to serve in the Parliament of Tasmania for any district shall be issued by the Governor directed to the Returning Officer of such district.

Governor to issue writs for elections.

50. On receipt of a writ, the Returning Officer to whom it is directed shall—

Duty of Returning Officer on receipt of writ.
W.A., s. 67.

(i.) Indorse thereon the date of its receipt;

(ii.) Advertise its receipt and particulars in a newspaper circulating in the district, or by placards or otherwise, and the dates fixed for the nomination and the polling, and the places at which the poll will be taken.

51.—(1.) The writs for the election of the Assembly shall be issued within a period of ten days after the Assembly ceased to continue or was dissolved.

When Assembly dissolved, new writs to be issued within ten days.
1 Edw. VII, No. 57, s. 68.

(2.) In the case of any vacancy arising in the Assembly the writ shall be issued within ten days after the happening of such vacancy.

52. The date fixed for the nomination of candidates shall not be less than seven days nor more than twenty-one days after the date of the writ; but the time may be extended by the Governor.

Date of nomination.
Com., 1902, s. 87.
W.A., s. 63.

53. The date fixed for the polling shall not be less than seven days or more than thirty days after the date of nomination.

Date of polling.
Com., s. 88.
W.A., s. 64.

54. The date fixed for the return of the writ shall not be more than sixty days after the issue of the writ; but the time may be extended by the Governor.

Date of return of writ.
Com., s. 89.
W.A., s. 65.

55. In the case of a general election for the Assembly, the same day shall be fixed for the polling in each district, and all writs shall be made returnable on the same day.

General elections to be held on same day.
Com., 1902, s. 91.

56. Not more than ninety days shall elapse between the dissolution of the Assembly and the next meeting of the Parliament of Tasmania.

Period between dissolution and next meeting.
1 Edw. VII, No. 57, s. 70.

57. For the purposes of the periodical election of members of the Council, the writ for every such election may be issued before the members who retire by rotation shall have retired.

When writ may be issued in Council elections.
Ibid., s. 66.

58.—(1.) In the event of any vacancy occurring in the Council at any time within three months immediately preceding the day for holding the periodical election of the members of the Council, and before the writ is issued for such periodical election, a writ for the return of a member to fill the said vacancy in the Council need not, unless the Governor otherwise determines, be issued until the day upon which the writs for the said periodical election shall be issued, notwithstanding anything to the contrary contained in this Act.

Issue of writs for Council postponed in certain cases.
Ibid., s. 67.

(2.) Subject to the provisions of the preceding sub-section, the election of a member to fill such vacancy shall be held on the day appointed for such periodical election.

(3.) If any such vacancy occurs in the Council at any other time, the writ shall be issued within ten days after such vacancy.

59. In the event of any vacancy occurring in the Council or Assembly by reason of any member resigning his seat therein for the purpose of contesting an election for the Senate or House of Representatives of the Parliament of the Commonwealth of Australia, the Governor shall, if such member shall have notified in writing to the Governor his intention to contest such election, in the event of his failure to secure the seat in the Commonwealth Parliament, delay the issue of the writ for a period not exceeding forty-four days, notwithstanding anything to the contrary hereinbefore contained.

Governor may in certain cases delay issue of writ for not more than forty-four days.

PART VIII.—*The Nominations.*

Candidates must be nominated.
Com., 1902, s. 94.

Qualification for nomination.
Com., 1902, s. 95.

Requisites for nomination.
Com., 1902, s. 97.
W.A., s. 71.

Form of consent to act.
Com., s. 98.

Mode of nomination.
Com., s. 99.
W.A., s. 69.
Form (F),
Schedule III.

To whom nominations made.
Com., s. 101.

Time for receipt,
Com., s. 101.

Formal defects.
Com., s. 102.
W.A., s. 72.

Appropriation of money deposited with nomination.

Place of nomination.
Com., s. 104.
W.A., s. 74.

Hour of nomination.
Com., s. 105.
W.A., s. 75.

Withdrawal of consent to nomination.
Com., 1905, s. 30.

Return of deposit in case of candidate's death.
Ibid., s. 30.

Proceedings on nomination day.
Cf. Com., 1902, s. 106.
W.A., s. 76.

60. No person shall be capable of being elected a Member of Parliament unless duly nominated.

61. To entitle a person to be nominated as a Member of Parliament, he must be qualified under "The Constitution Act," or any amendment thereof, to be elected as such Member.

62. No nomination shall be valid unless—

- (1.) The person nominated consents to act if elected;
- (2.) The nomination paper is received after the issue of the writ, and before the hour of nomination;
- (3.) The person nominated, or some person on his behalf, deposits with the Returning Officer at the time of the delivery of the nomination paper the sum of 25*l.* in money or in bank notes or in a banker's cheque.

63.—(1.) The consent of the person nominated to act, if elected, shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Returning Officer receiving the nomination may accept any other form of consent accompanying the nomination paper or received by him from the candidate that he may deem satisfactory, and his decision shall be final.

(2.) If any person so nominated is absent from the State at the time of his nomination, his consent to be nominated may be signified to the Returning Officer by letter sent by post or affixed to the nomination paper, or by an ordinary message by telegraph, provided that the Returning Officer receives any such communication before the hour of nomination.

64. Nominations may be made in the Form (F) in Schedule III, and shall—

- (1.) Name the candidate, his place of residence and occupation; and
- (2.) Be signed by not less than two persons entitled to vote at the election.

65. Nominations may be made to the Returning Officer for the district in which the election is to be held.

66. Nominations may be made to the Returning Officer at any time after the issue of the writ, and before the hour of nomination.

67. No nomination shall be rejected by reason of any formal defect or error therein, if the Returning Officer receiving it is satisfied that the provisions of this Act have been substantially complied with.

68.—(1.) When a poll takes place at any election the deposit made with the Returning Officer as aforesaid by or on behalf of every candidate who fails to receive at the poll—

(a.) Where more than one Member is to be returned, a number of votes at the time of his exclusion from the poll, not less than one-fifth part of the quota, as defined in Schedule IV;

(b.) Where one Member only is to be returned, a number of votes, not less than one-fifth part of the votes received by the successful candidate—

shall be forfeited to His Majesty and be paid by the Returning Officer into the Treasury, and form part of the Consolidated Revenue Fund.

(2.) After every election the Returning Officer shall return to every candidate—

- (a.) Who has been returned without a poll; or
 - (b.) Who has withdrawn his consent to his nomination under the provisions of this Act; or
 - (c.) Who has not forfeited his deposit under sub-section (1) of this section—
- the deposit made with the Returning Officer as aforesaid by or on behalf of every such candidate.

69. In all elections the chief polling place for the district shall be the place of nomination therein.

70. Twelve o'clock noon on the day of nomination shall be the hour of nomination, and the Returning Officer shall then attend at the place of nomination and publicly produce all nomination papers received by him, and declare the names and residences of all candidates nominated.

71. A candidate may withdraw his consent to his nomination at any time before the hour of nomination by lodging with the Returning Officer for the district a notice of withdrawal in the prescribed form, and thereupon the nomination shall be cancelled.

72. On the death of a candidate before the election the deposit lodged by him or on his behalf shall be returned to his legal representative.

73.—(1.) The Returning Officer shall declare the candidates nominated duly elected if no greater number are nominated than are required to be elected—

- (i.) In the case of any election other than the periodical election of members of the Council, upon the closing of the period of nomination; and
- (ii.) In the case of such periodical election upon the day of the poll.

(2.) If a greater number of candidates are nominated than are required to be elected, the proceedings shall stand adjourned to polling day.

74. If after the nominations have been declared and before polling day any candidate dies, and the candidates remaining are not more than the number required to be elected, they shall forthwith be declared to be elected and the writ returned.

Death of candidate after nomination.
Com. 1902, s. 107.
W.A., s. 77.

75. Whenever an election wholly or partially fails a new writ shall forthwith be issued for a supplementary election.

An election shall be deemed to have wholly failed if no candidate is nominated or returned as elected.

Failure of election.
Com. 1902, s. 108.
W.A., s. 78.

An election shall be deemed to have partially failed whenever one or more candidates is or are returned as elected, but not the full number required to be elected.

PART IX.—*Voting by Post.*

76.—(1.) Any elector—

(i.) Who has reason to believe that he will not on polling-day be within 7 miles by the nearest road of the polling-place for which he is enrolled; or

(ii.) Who, being a woman, will on account of ill-health be unable on polling-day to attend the polling-place to vote; or

(iii.) Who will be prevented by serious illness or infirmity from attending the polling-place on polling-day:

Obtaining of forms on application for postal ballot-paper.
Com., 1902, s. 109, as amended.

May after the issue of the writ, and before polling-day make application in the Form (G) in Schedule III to the Returning Officer for the district in which the applicant resides for a postal vote certificate.

Application for a postal vote certificate.
Com., 1905, s. 31.
Form (G).
Schedule III.

(2.) In the case of an application under paragraph (i.), the applicant shall state in the application the reason for his said belief. All such applications shall be filed by the Returning Officer, and after the declaration of a poll shall be open to inspection by the public during office hours until the election can no longer be questioned.

(3.) The application shall be signed by the elector himself in the presence of an authorized witness.

(4.) Any elector making a false statement, or any person inducing an elector to make a false statement in an application under this section, shall be guilty of an offence under this Act.

Penalty: 50*l.*, or one month's imprisonment.

77. The following persons, not being candidates, are authorized witnesses within the meaning of this Act:—

Authorized witnesses.
Com., 1905, s. 32.

(i.) The Chief Electoral Officer or his Deputy, all Returning Officers, all Electoral Registrars, all Postmasters or Postmistresses or persons in charge of post-offices, all Police Magistrates of the State, all Justices of the Peace, all Head Teachers of State Schools, all members of the police force of the State, all legally qualified medical practitioners, all officers in charge of quarantine stations; and

(ii.) All persons or classes of persons, employed in the public service of the State, who are declared by Proclamation to be authorized witnesses within the meaning of this Act.

78. No authorized witness shall—

(i.) Witness the signature of an elector to an application for a postal vote certificate unless the elector is personally known to him; or

(ii.) Witness the signature of any elector to any application or form of application for a postal vote certificate, unless he has actually seen the elector sign the application or form of application.

Penalty: 50*l.*, or one month's imprisonment.

Duty of authorized witnesses as to applications.
Com., 1905, s. 32.

79.—(1.) The Returning Officer who receives the application, if he is satisfied that it is properly signed by an elector and is properly witnessed, and that no postal vote certificate for the same election has been previously issued to the applicant, shall himself deliver to or post to the elector and to no other person a postal vote certificate and one postal ballot-paper with a counterfoil attached, together with an envelope addressed to the Returning Officer.

Issue of certificates and ballot-papers.
Com., 1905, s. 33.
Forms (H) and (I),
Schedule III.

(2.) The postal vote certificate may be in Form (H) in Schedule III, and may be printed on the back of the counterfoil of the postal ballot-paper.

(3.) The postal ballot-paper may be in the Form (I) in Schedule III.

80. The Returning Officer shall initial on the back all postal ballot-papers issued, and shall keep and number the applications in consecutive order, writing the corresponding number on the counterfoil of the ballot-paper.

Returning Officer to initial ballot-paper.
Com., 1902, s. 111, as amended.

81.—(1.) The Returning Officer shall note on the lists of voters all postal vote certificates issued.

Returning Officer to note issue of certificate.

(2.) If there is not time to conveniently note the issue of any postal vote certificate on any list of voters, the Returning Officer shall immediately advise the presiding officer at the polling-place at which the elector is entitled to vote of the issue of the certificate.

Advice to Presiding Officer.
Com., 1902, ss. 117, 118.

Elector receiving certificate not to vote at booth unless he delivers it up.
Com., 1902, s. 117.

Provision when elector claims to vote although postal ballot-paper already issued.
Form (J), Schedule III.

64 Vict. No. 1701, s. 12 (Vict.).

Effect of immaterial error.

Directions for postal voting.
Of. Com., 1905, s. 36.

82. No elector who has received any postal vote certificate shall be entitled to vote at any polling-booth unless he delivers up his certificate and postal ballot-paper to the presiding officer before he votes, except as provided in the next succeeding section.

83.—(1.) If an elector to whom a postal vote certificate and postal ballot-paper appear to have been sent states that he has not received the same, and claims to vote personally at any polling-booth within the district to which such postal vote certificate and postal ballot-paper relate, the Returning Officer or presiding officer at such booth may take from such elector a declaration in the Form (J) in Schedule III to this Act or to the like effect. Thereupon such elector shall be entitled to vote personally at such poll, and his vote shall be taken in the ordinary way.

(2.) If such vote is received by a presiding officer other than the Returning Officer, he shall immediately advise the Returning Officer of the fact of such elector having voted personally, and shall forward the declaration to the Returning Officer with the ballot-papers, and if any postal ballot-paper purports to have been received from the same elector, such postal ballot-paper shall be rejected at the counting of the votes and the Returning Officer shall state thereon the reason of such rejection.

84. No application for a ballot-paper shall be deemed insufficient or invalid by reason only that in such application there is an omission or incorrect or insufficient description or mis-description in respect of any of the particulars required by law to be contained therein, if the Returning Officer is satisfied that the applicant is entitled to a postal ballot-paper.

85. The following directions for regulating voting by means of postal ballot-papers shall be substantially observed:—

(i.) The elector shall exhibit his postal ballot-paper, in blank, and his postal vote certificate to an authorised witness;

(ii.) In the case of any election for a district where only one member has to be returned, the elector shall mark his vote by writing on the ballot-paper, in the presence of an authorized witness, but so that he does not see the vote, the name of the candidate for whom he votes as his first preference opposite a square, and by placing the number 1 within, or substantially within, the square. The elector may also in addition write the names of the other candidates, or any of them, on the ballot-paper, and indicate the order of his preference for them by placing the numbers 2, 3, 4, and so on within, or substantially within, squares opposite their names;

(iii.) In the case of an election for a district where more than one member has to be returned, the elector shall mark his vote by writing on the ballot-paper, in the presence of an authorized witness, but so that he does not see the vote, the names of the three candidates, opposite squares, and shall indicate the order of his preference for them by placing the numbers 1, 2, and 3 within, or substantially within, the squares opposite their names. The elector may also in addition write the names of as many more candidates as he pleases on the ballot-paper, and indicate the order of his preference for them by placing within, or substantially within, the squares respectively opposite their names other numbers, next in numerical order, after those already used by him;

(iv.) If the elector's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested, may act for him in the presence of a witness;

(v.) The elector shall then fold the ballot-paper and fasten margin to margin;

(vi.) The elector shall then himself sign his name on the counterfoil, in the place provided for the signature of the voter;

(vii.) The authorized witness shall then himself sign his name in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date;

(viii.) The elector shall then place the ballot-paper with the counterfoil attached into the envelope addressed to the Returning Officer, and fasten the envelope, and duly stamp, and hand it to the authorized witness for posting.

Duty of authorized witness.
Com., 1905, s. 36.

86. The authorized witness shall—

(i.) See that the directions in the last preceding section are substantially complied with;

(ii.) Refrain from looking at the vote given by the elector except where the elector's sight is so impaired that he cannot vote without assistance and the elector requests his assistance;

(iii.) Not disclose any knowledge officially acquired by him touching the vote of the elector; and

(iv.) Forthwith post the envelope containing the postal ballot-paper.

Penalty: 100*l.*, or three months' imprisonment.

Letters to be produced at scrutiny.
Com., 1902, s. 119.

87. At the scrutiny the officer conducting the scrutiny shall produce, unopened, all envelopes containing postal votes received up to the close of the poll, and at the scrutiny the envelopes shall be opened in the presence of the scrutineers present, and shall be dealt with as follows:—

(i.) The officer shall produce all applications for postal vote certificates;

(ii.) The officer, without unfolding the ballot-paper or allowing it to be inspected, shall compare the signature of the voter on the counterfoil with the signature to the application, and allow the scrutineers to inspect both signatures, and shall determine whether the signature on the ballot-paper is that of the applicant;

(iii.) If the vote is allowed, the officer shall tear off the counter-foil and insert the ballot-paper in the ballot-box;

(iv.) If the officer rejects the ballot-paper, then the certificate and ballot-paper shall be preserved by him for production to the Supreme Court in case the validity of the election or any return is disputed, the ballot-paper being at once sealed up without being unfolded or inspected;

(v.) Ballot-papers so allowed shall be placed in a ballot-box by themselves, and, when they have all been inserted, the counting of the votes shall commence;

(vi.) Postal ballot-papers which do not purport to be duly witnessed shall not be allowed at the scrutiny.

88. The decision of the officer conducting the scrutiny as to the allowance or disallowance of any postal vote shall be subject only to review by the Supreme Court upon the validity of the election or any return being disputed. Officer to decide.
Com., 1902, s. 120.

89. No postal vote shall be rejected because the surname only of a candidate has been written thereon if no other candidate has the same surname, nor by reason of any mistake in spelling where the elector's intention is clear. Mistakes.
Com., 1902, s. 121.

PART X.—*The Polling.*

90. If the proceedings on the day of nomination stand adjourned to polling-day, the Returning Officer shall, subject to the provisions of this Act, immediately make all necessary arrangements for taking the poll. Polling.
Com., 1902, s. 123
W.A., s. 92.

91. In particular the Returning Officer shall—

- (i.) Appoint a presiding officer to preside at each polling-place at which he will not be continuously present;
 - (ii.) Appoint all necessary poll clerks and door-keepers;
 - (iii.) Provide and furnish proper polling-booths and ballot-boxes;
 - (iv.) Provide certified copies of the electoral roll for the district, and lists of voters;
 - (v.) Obtain ballot-papers from the chief electoral officer, and provide presiding officers there-with.
- Duty of Returnin
Officer.
Com., 1902, s. 124
W.A., s. 93.

92. The chief electoral officer shall, before and in time for the poll at any election, provide and forward to the Returning Officer of the electoral district for which the election is about to take place, a sufficient number of ballot-papers. Ballot-papers.
Ibid., s. 82.
1 Edw. VII., No. 57
s. 82 (Tas.).

93. The Returning Officer shall be the presiding officer at the chief polling-place unless he appoints some other person to be the presiding officer thereat. Presiding Officer.
Com., 1902, s. 125,
as amended.
W.A., s. 94.

94. Any presiding officer may appoint a substitute to perform his duties during his temporary absence, and may, being the Returning Officer, or if authorized by the Returning Officer so to do, appoint one or more assistant presiding officers to assist him in presiding at any polling-booth, and any assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of his powers, and shall, in respect of the exercise of those powers, be deemed to be the presiding officer. Substitute.
Com., 1902, s. 126,
as amended.
W.A., s. 95.
Cf. 5 Edw. VII.,
No. 29, s. 110
(N.Z.).

95. No part of any premises licensed for the sale of intoxicating liquor shall be used for the purposes of any polling-booth. No licensed
premises to be
used.
Com., 1902, s. 127.
W.A., s. 96.

96. Polling-booths shall have separate voting compartments, constructed so as to screen the voters from observation while they are marking their ballot-papers, and each voting compartment shall be furnished with a pencil for the use of voters. Separate voting
compartments.
Com., 1902, s. 128.
W.A., s. 98.

97. Each polling-booth shall be provided with the necessary ballot-boxes, constructed and fitted as prescribed. Ballot boxes.
Com., 1902, s. 129.
W.A., s. 99.

98. The lists of voters shall be lists of the electors on the roll, enrolled for the polling-place, and such lists shall before the hour for commencing the poll, be certified to by the Returning Officer, and delivered to the presiding officers for their guidance during the polling. List of voters.
Com., 1902, s. 130,
as amended.
Cf. W.A., s. 100.

99. Ballot-papers may be in the Form (K) in Schedule III.

Ballot-paper.
Com., 1902, s. 131.
W.A., s. 101.
Form (K),
Schedule III.

100. In printing the ballot-papers—

(i.) The names of all candidates duly nominated shall be printed in alphabetical order according to their surnames; Ballot-papers.
Com., 1902, s. 133.
W.A., s. 102.

(ii.) If there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their Christian names, or if their Christian names are the same, then according to the alphabetical order of their residences, arranged and stated on the ballot-paper;

(iii.) Where similarity in the names of two or more candidates is likely to cause confusion,

Ballot-papers
initialed.
Com., 1902, s. 134.
W.A., s. 103.

Scrutineers.
Com., 1902, s. 135,
as amended.
W.A., s. 104.

Persons present at
polling. ⁵
Com., 1902, s. 136.
W.A., s. 105.

The polling.
Com., 1902, s. 137,
as amended.
W.A., s. 106.

Assembly electors
to vote in district
in which they
reside.
Com., 1902, s. 138.
W.A., s. 107.

Where electors
may vote.
Com., 1902, s. 139,
as amended.
Form (L),
Schedule III.

(ii.) The poll shall open at 8 o'clock in the morning, and shall not close until all electors present in the polling-booth at 6 o'clock in the evening, and desiring to vote, have voted.

Provided that an elector who has changed his place of residence to another district may, until his name is transferred to another roll, vote for the district for which his name continues enrolled for three months after he has ceased to reside in the district.

- (i.) At the polling-place for which he is enrolled ; or
- (ii.) At any other polling-place for the same district, if he makes and signs before the presiding officer a Declaration in the Form (L) in Schedule III.

- (i.) The form of ballot-paper to be used;
- (ii.) The method of dealing with the ballot-papers; and
- (iii.) The allowance or disallowance and counting of the ballot-papers.

Persons claiming
to vote to give
name and other
particulars.
Com., 1902, s. 140.
W.A., s. 108.

- (i.) State his Christian name and surname; and
- (ii.) If so desired by the presiding officer or a poll clerk, any other particulars necessary to be entered in the roll for the purpose of identifying the name upon the roll under which the vote is claimed.

Questions to be put
if voter challenged.
Com., 1902, s. 141,
as amended.
W.A., s. 109.

(i.) Are you the person whose name appears as *[here state name under which the person claims to vote]* on the roll for this district? (or the district of _____? as the case may be);

(ii.) Are you of the full age of 21 years?

(iii.) Have you already voted, either here or elsewhere, at this election?

(iv.) Are you disqualified from voting?

(v.) Have you already voted in respect of any Assembly District at this general election

Consequence of
answers.
Com., 1902, s. 142.
W.A., s. 110.

109. If any person refuses to answer fully any question put to him by the presiding officer, or fails by his answer to satisfy the presiding officer that he is entitled to vote, his claim to vote shall be rejected.

Answer conclusive.
Com., 1902, s. 143.
W.A., s. 111.

110. Subject to the provisions of the last preceding section, the voter's answer to the questions shall be conclusive, and the matter shall not be further inquired into during the polling.

111. No omission of any Christian name, or entry of a wrong Christian name, or address, or occupation, and no mistake in the spelling of any surname, and no misdescription of the qualification of a voter, shall warrant the rejection at any polling of any claim to vote if the voter is sufficiently identified by, and his qualification established to the satisfaction of the presiding officer, and no female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage.

Errors not to
forfeit vote.
Com., 1902, s. 144.
W.A., s. 112.

112. If the name under which the person claims to vote is upon the List of Voters for the polling-place, and his right to vote is not challenged, or if challenged he answers the prescribed questions satisfactorily, the presiding officer or a poll clerk shall hand to him a ballot-paper duly initialed, but the presiding officer shall, at the request of any scrutineer, take note of any objection and keep a record thereof.

Ballot-paper to be
handed to elector.
Com., 1902, s. 145.
W.A., s. 113.

Provided that the fact that an elector's name is not on the List of Voters for the polling-place shall not prevent him from voting in cases where, pursuant to section 106, provision is made by regulation allowing electors to vote at polling-places other than the polling-places for which they are enrolled.

Com., 1902, s. 145.

113. Immediately upon handing the ballot-paper to the person claiming to vote, the presiding officer, or any poll clerk directed by him, shall place a mark against the person's name on the List of Voters.

List of voters to be
marked on voting
paper being issued.
Com., 1902, s. 146.
W.A., s. 114.

114. Upon receipt of the ballot-paper the voter shall without delay—

Vote to be marked
in private.
Com., 1902, s. 147.
W.A., s. 115.

(i.) Retire alone to some unoccupied compartment of the booth, and there, in private, record his vote in the manner hereinafter described;

(ii.) Fold the ballot-paper so as to conceal the names of the candidates and to clearly show the initials of the presiding officer, and exhibit it so folded to the presiding officer or to a poll clerk, and then forthwith openly, and without unfolding it, deposit it in the ballot-box:

(iii.) Quit the booth.

115. If any voter satisfies the presiding officer—

Assistance to blind
voters.

(i.) That his sight is so impaired; or

(ii.) That he is otherwise so physically incapacitated; or

(iii.) That he is so illiterate;

that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as may be present, and choose to witness his action, shall, openly in the ballot-room, record his vote and fold and deposit his ballot-paper for him.

Com., 1902, s. 148.
W.A., s. 116.

116. If any voter satisfies the presiding officer, before his ballot-paper is deposited in the ballot-box, that he has spoiled it by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel and preserve the spoiled ballot-paper.

Spoilt ballot-
papers.
Com., 1902, s. 149,
as amended.
W.A., s. 117.

117. At every election votes shall be recorded in manner following:—

Mode of voting.

(i.) No name shall be struck out from any ballot-paper.

(ii.) In every case in which only one member is to be elected for any district the voter shall mark his ballot-paper by placing the number 1 within, or substantially within, the square opposite the name of the candidate for whom he votes as his first preference, and he shall, in addition, give contingent votes for the remaining candidates, or any of them, by placing the numbers 2, 3, 4 (and so on as the case requires), within, or substantially within, the squares opposite their names, so as to indicate the order of his preferences for them.

(iii.) In every case in which more than one candidate is to be elected for any district, the voter shall mark his vote upon the voting paper in the manner following:—

(a.) He shall place within, or substantially within, the squares respectively opposite the names of three candidates the numbers 1, 2, and 3, so as to indicate the order of his preference.

(b.) He may, in addition, indicate the order of his preference for as many more candidates as he pleases by placing within, or substantially within, the squares respectively opposite their names other numbers, next in numerical order, after those already used by him.

(iv.) No person shall take any ballot-paper out of the room in which the ballot-box is kept, excepting into the said inner room or compartment, and then only for the purpose of recording his vote as hereinbefore directed.

118. The presiding officer may adjourn the polling from day to day in any case where the polling is interrupted or obstructed by riot or open violence.

Adjournment of
polling on account
of riot.
Com., 1902, s. 152.
W.A., s. 120.

119. If from any cause any polling-booth at any polling-place is not opened on polling-day, the Returning Officer or the presiding officer may adjourn the polling for a period not to exceed twenty-one days, and shall forthwith give public notice of the adjournment.

Adjournment in
other cases.
Com., 1902, s. 153.
W.A., s. 121.

Voting at adjourned
polling.
Com., 1905, No. 26,
s. 46.

120.—(1.) Where for any reason the polling is adjourned at any polling-place, those electors only who are enrolled for that polling-place, and who have not already voted, shall be entitled to vote at the adjourned polling at that polling-place.

(2.) Where an election is being held in any district it shall not be necessary to open polling-booths at the polling-places for any other district in which no election is being held.

PART XI.—*The Scrutiny.*

General Provisions.

Scrutiny.
Com., 1902, s. 154.
W.A., s. 122.

121. The result of the polling shall be ascertained by scrutiny.

How conducted.
Com., 1902, s. 155.
W.A., s. 123.

122. The scrutiny shall be conducted as follows :—

- (i.) It shall commence as soon as practicable after the closing of the poll.
- (ii.) The scrutineers and any persons approved by the officer conducting the scrutiny may be present.
- (iii.) All the proceedings at the scrutiny shall be subject to the inspection of the scrutineers.
- (iv.) All informal votes shall be rejected and the number recorded.
- (v.) The scrutiny may be adjourned as may be necessary until the counting of the votes is complete.

Power to appoint
scrutineers.
Com., 1902, s. 156.
W.A., s. 124.

123. Each candidate may appoint one scrutineer to represent him at the scrutiny.

Scrutineer may
object to vote as
informal.
Com., 1902, s. 157.
W.A., s. 125.

124. Any scrutineer may object that any ballot-paper is informal, and thereupon the officer conducting the scrutiny shall mark the ballot-paper “admitted” or “rejected” according to his decision on the objection, and such decision shall be final, subject only to reversal by a Judge under Part XV.

Informal ballot-
paper.
Of. Com., 1902,
s. 158.
Of. W.A., s. 126.

125.—(1.) A ballot-paper shall be informal if—

- (i.) It is not initialed by the presiding officer ; or
- (ii.) It has no vote indicated on it ; or
- (iii.) It has upon it any mark or writing not authorized by this Act to be put upon it, which, in the opinion of the Returning Officer would enable any person to identify the voter ; or
- (iv.) It contains the same number opposite the names of more than one candidate.

(2.) A ballot-paper shall not be informal for any reason other than the reasons in this section enumerated, but shall be given effect to according to the voter's intention so far as his intention is clear.

126. All ballot-papers used for voting shall be preserved as and in such custody as shall be prescribed until the election can be no longer questioned, when they shall be destroyed.

Preservation of
ballot-papers.
Com., 1902, s. 159.
W.A., s. 127.

127. In the case of every election for a district in which there is more than one polling-place, the presiding officer of each polling-place, except the chief polling-place, shall, as soon as practicable after the closing of the poll, open the ballot-box, and shall—

- (i.) Count the number of first choices recorded for the respective candidates and place them in separate parcels, according to the names of the candidates for whom such first choices are recorded, rejecting all informal voting-papers ;
- (ii.) Count the number of, and place them in another parcel, all the voting-papers which have been rejected as informal ;
- (iii.) Transmit the following information by telegram, or in some other expeditious manner, to the returning officer for the district—

- (a.) The number of first choices recorded for each candidate ; and
- (b.) The total number of voting-papers rejected as informal—

and shall immediately thereafter make out and sign an abstract containing the above information ;

(iv.) Seal such parcels and transmit them to the Returning Officer for the district, and shall also transmit to him at the same time, in separate parcels, securely fastened—

- (a.) The unused and spoilt ballot-papers ;
- (b.) The certified copies of rolls supplied to the said presiding officer on which the fact of any person having received a ballot-paper has been noted ; and
- (c.) An account in which such presiding officer shall charge himself with the number of ballot-papers originally delivered to him, the number thereof delivered to and used by voters, and

the number not so delivered or left unused, and the number set aside for separate custody (which account is hereinafter referred to as the ballot-paper account).

Every such ballot-paper account shall be verified as well by the signatures of the said presiding officer and the poll clerk (if any), as also by the signature of any scrutineer present who consents to sign the same; and

(v.) Shall severally indorse such parcels as aforesaid with a description of the contents thereof, and with the name of the district, the name of the place of polling, and the date of the polling, and sign with his name the said indorsement. Presiding officers to indorse parcels.

128.—(1.) In the case of every election for a district, the Returning Officer shall, as soon as practicable after the close of the poll, proceed with the scrutiny as follows: Returning Officer, after receiving ballot-papers from all the polling-places, to count them;

(i.) He shall open the ballot-box used at the principal polling-place, and all the sealed parcels of ballot-papers received by him from the several presiding officers, and verify the contents of such parcels;

(ii.) He shall then count the votes in the manner prescribed in the Schedule IV to this Act;

(iii.) He shall make out and sign an abstract of the result of the poll;

(iv.) Except as provided in the Schedule IV, he shall not vote at any election at which he is a Returning Officer;

(v.) As soon as may be practicable after he has counted all the votes, openly, at the chief polling-place, declare the names of the persons duly elected at such election. and declare state of poll.

129.—(1.) No Returning Officer shall vote at any election for the district of which he is the Returning Officer except in the case of an equality of votes as aforesaid. Returning Officer has casting vote only.

(2.) The fact of an elector being an Assistant Returning Officer, or a presiding officer who is not a Returning Officer, shall not preclude him from voting. Presiding officer may vote.

130. Subject to the provisions of this Act, a Returning Officer may vote at an election for a district for which he is enrolled other than the district for which he is Returning officer, provided he previously obtains the consent in writing of the Chief Electoral Officer for the purpose, and provision is made for the conduct of the election at the polling-place at which he presides during his temporary absence, to the satisfaction of the Chief Electoral Officer. Returning Officer may vote for district other than that for which he is Returning Officer, with consent of Chief Electoral Officer.

PART XII.—*The Return of the Writs.*

131. As soon as conveniently may be after the result of an election has been declared, the Returning Officer shall insert in or indorse on the writ the name or names of the persons elected and the date of election, and shall return the writ to the Governor according to its exigency. Return of writs. W.A., s. 132.

132.—(1.) If at a general election any Member is returned for two or more districts, he shall choose for which he shall serve within fourteen days after all the writs for such districts have been returned, and shall notify such choice in writing to the Chief Electoral Officer, whereupon every other seat for which he was elected shall be vacant. A Member returned for two districts at a general election to elect.

(2.) In default of such choice every seat for which the said Member has been returned shall thereupon become vacant.

133. Any delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, ballot-papers, or list of voters, may be remedied, removed, rectified, and supplied by Proclamation specifying the matter dealt with, and providing for the course to be followed, and such course shall be valid and sufficient. Correction of errors. Com., 1902, s. 167. W.A., s. 133.

134. Within twenty days before or after the day appointed for any election the Governor may provide for extending the time for holding the election or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election; and any provision so made shall be valid and sufficient: Provided that— Extension of time. Com., 1902, s. 168. W.A., s. 134.

(i.) Public notice shall be immediately given in the district in which the election is to be held of any extension of the time for holding the election;

(ii.) No polling day shall be postponed under the section at any time later than seven days before the time originally appointed.

135. An election shall not be—

(i.) Questioned by reason only of any defect in the title or any want of title of the person by or before whom such election or any polling was held, if such person was actually appointed or was acting in the office giving a right to preside at such election or polling;

(ii.) Void by reason of there being no Returning Officer for the district at the time of the issue of the writ. Election not to be invalid for defect in appointment of person taking the poll. Election not to be void for want of appointment of Returning Officer.

PART XIII.—*Limitation of Electoral Expenses.*

136. No electoral expense shall be allowed in respect of any candidature in excess of 50*l.* for each candidate. Rates of expenditure.

137. No person shall pay or agree to pay any expenses at any election, or any sum of money whatever, in order or with a view to procure or promote the election of any person to serve in Parliament. Payments on account of candidates.

Expenses allowed.
Com., 1902, s. 170.
W.A., s. 136.

138. No electoral expense shall be allowed except in respect of the following matters:—

- (i.) Purchasing Electoral Rolls;
- (ii.) Printing, advertising, publishing, issuing, and distributing addresses by the candidate and notices of meetings;
- (iii.) Stationery, messages, postages, and telegrams;
- (iv.) Committee rooms;
- (v.) Public meetings and halls therefor;
- (vi.) One scrutineer for the chief polling-place;
- (vii.) Conveying voters to the poll.

Electoral
Expenses.
Com., 1902, s. 171.
W.A., s. 137.

139. "Electoral expense" includes all moneys expended or expenses incurred by or on behalf or in the interests of any candidate at or in connection with any election, excepting only the personal and reasonable living and travelling expenses of the candidate.

Returns.
Com., 1902, s. 172.
W.A., s. 138.

140.—(1.) Within thirty days after the result of any election has been declared, every candidate at the election shall sign before a Justice of the Peace and file with the Chief Electoral Officer a true return of his electoral expenses, showing—

- (i.) All electoral expenses paid;
- (ii.) All disputed or unpaid claims for electoral expenses.

Form (M),
Schedule III.

(2.) The return may be in the Form (M) in Schedule III, and shall be accompanied by a receipted bill of particulars vouching each payment of 2*l.* or more.

Return of
candidates'
expenses
to be open to
inspection.
Failure to file
return.

(3.) The return and the receipted bills of particulars shall be retained by the Chief Electoral Officer, and shall be open to public inspection during ordinary office hours on payment of the prescribed fee.

Candidate to prove
that he has not
incurred illegal
expense.

141. If any candidate prove to a Judge, under Part XV, that his failure to file a return or voucher, as required by the last section, has arisen from illness or inadvertence, or any reasonable cause of a like nature, and not from any want of good faith, or that any error, omission, or false statement in the return or voucher filed has similarly arisen, the Judge may permit the filing of the return or vouchers, or of a new return or fresh vouchers, or the amendment of the return or vouchers filed, and may exonerate the candidate from all liability in the matter.

142. If, on petition to a Judge, under Part XV, against the return of a candidate, there shall be proved any electoral expense on any matter other than the matters allowed by section 138 or in excess of the rate allowed by section 136, the election shall be declared void unless the candidate shall satisfy the Judge that such expense was neither directly or indirectly incurred by him or on his behalf, or that he had neither directly nor indirectly sanctioned, countenanced, nor approved of the same in any way.

PART XIV.—*Electoral Offences.*

Offences.
Com. 1902, No. 19,
s. 173.
W.A., s. 139.

143. To secure the due execution of this Act and the purity of elections the following acts are hereby prohibited:—

- (i.) Breach or neglect of official duty;
- (ii.) Illegal practices, including—
 - (a.) Bribery;
 - (b.) Undue influence;
- (iii.) Electoral offences.

Breach or neglect
by officers.
Com., s. 174.
Com., 1905, No. 26,
s. 50.
W.A., s. 140.

144. "Breach or neglect of official duty" includes—

- (i.) Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election;
- (ii.) The disclosure of any knowledge officially acquired by any officer or scrutineer touching the vote of any elector;
- (iii.) Any neglect or refusal by any officer to discharge any official duty, and any violation by any officer of any provision of this Act;
- (iv.) Any attempt by a person authorized or required by this Act to witness the signature of an elector on the counterfoil of a postal ballot-paper to influence the vote of the elector whose signature he witnesses.

Breach or neglect of official duty is punishable by a penalty not exceeding 200*l.*, or by imprisonment not exceeding one year.

Bribery.
Com., s. 175.
W.A., s. 141.

145. Whoever—

- (i.) Promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition;
- (ii.) Gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof;

(iii.) Promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit, for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery :

shall be guilty of bribery.

146. Without limiting the effect of the general words in the preceding section, "bribery" particularly includes the supply of meat, drink, or entertainment at any time before an election, or horse or carriage hire for any elector whilst going to or returning from the poll, with a view to influence the vote of an elector at that election.

Definition.
Com., s. 176.
W.A., s. 142.

147. Whoever—

Undue influence.
Com., s. 177.
W.A., s. 143.

(i.) Threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote, or any omission to vote, or any support or opposition to any candidate, or any promise of any vote, omission, support, or opposition ; or

(ii.) Uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, or opposition ;

(iii.) Or contravenes the provisions of Part XIII of this Act relating to the limitation of electoral expenses—

shall be guilty of undue influence.

148. Without limiting the effect of the general words in the preceding section, "undue influence" includes every interference or attempted interference with the free exercise of the franchise of any elector.

Definition.
Com., s. 178.
W.A., s. 144.

149. No declaration of public policy or promise of public action shall be deemed bribery or undue influence.

Exception.
Com., s. 179.
W.A., s. 145.

150. In addition to bribery and undue influence the following shall be illegal practices :—

Illegal practices.
Com., s. 180.
Com., 1905, No. 26,
s. 51.
W.A., s. 146.

(i.) Any publication of any electoral advertisement other than an advertisement announcing the holding of a meeting in a newspaper, handbill, or pamphlet, or any issue of any electoral notice without at the end thereof the name and address of the person authorizing the same ;

(ii.) Printing or publishing any printed electoral advertisement, hand-bill, or pamphlet (other than an advertisement in a newspaper) without the name and place of business of the printer being printed at the foot of it ;

(iii.) Publishing in any newspaper any report of any speech of a candidate at any election, for the publication of which any sum of money or other consideration has been paid by, charged to, or promised by any person, unless the word "advertisement" shall be legibly printed at the head of each column of each Report.

151. Any illegal practice shall be punishable as follows :—

Punishment.
Com., s. 181.
W.A., s. 147.

(i.) Bribery or undue influence by a penalty not exceeding 200*l.*, or by imprisonment not exceeding one year ;

(ii.) Any other illegal practice by a penalty not exceeding 100*l.*, or by imprisonment not exceeding six months.

152. The matters mentioned in the first column of the table at the foot of this section are electoral offences punishable as provided in the second column of the table opposite the statement of the offence.

Electoral offences.
Com., s. 182.
W.A., s. 148.

In this table the expression "ballot-paper" includes a postal ballot-paper.

TABLE of Electoral Offences and Punishments.

First Column.—Offences.	Second Column.—Punishments.
Fraudulently destroying or defacing any nomination or ballot-paper.	Imprisonment not exceeding one year.
Fraudulently putting any ballot or other paper into the ballot-box.	Imprisonment not exceeding six months.
Fraudulently taking any ballot-paper out of any polling-booth.	Imprisonment not exceeding six months.
Forging or uttering, knowing the same to be forged, any nomination, voter's certificate, or ballot-paper.	Imprisonment not exceeding two years.
In any polling-booth on polling day, misconducting himself or failing to obey the lawful directions of the presiding officer.	Penalty not exceeding 10 <i>l.</i> , or imprisonment not exceeding one month.
Supplying ballot-papers without authority	Imprisonment not exceeding six months.
Unlawfully destroying, taking, opening, or otherwise interfering with ballot-boxes or ballot-papers.	Imprisonment not exceeding six months.
Voting for more than one district at a general election ...	Penalty not exceeding 10 <i>l.</i> , or imprisonment not exceeding three months.

First Column.—Offences.	Second Column.—Punishments.
Wagering on the result of any election	Penalty not exceeding 50l.
Wilfully defacing, mutilating, destroying, or removing any notice, list, or other document affixed by any Returning Officer, or by his authority.	Penalty not exceeding 2l.
Wilfully making any false statement in any claim, application, return, or declaration, or in answer to a question under this Act.	Imprisonment not exceeding two years.
Distributing any advertisement, hand-bill, or pamphlet published in contravention of section 151.	Penalty not exceeding 10l., or imprisonment not exceeding one month.
Wilfully misleading any Electoral Registrar in the compilation of any electoral list or roll, or wilfully entering or causing to be entered thereon any false or fictitious name or qualification, or the name of any person whom he knows to be dead.	Penalty not exceeding 50l., or imprisonment not exceeding three months.
Signing the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of claim, application, or objection, for the purposes of this Act, either as claimant, applicant, objector, or witness.	Penalty not exceeding 50l., or imprisonment not exceeding three months.
Signing his name as witness to any signature upon any such form of claim, application, or objection, without having seen such signature written.	Penalty not exceeding 10l., or imprisonment not exceeding one month.
Interfering with, obstructing, or molesting any elector, either in the polling-booth or while on his way thereto, with the intention of influencing him or advising him as to his vote.	Penalty not exceeding 20l.
Any contravention of this Act for which no other punishment is provided.	Penalty not exceeding 50l.

“ Personation ”
defined.

Punishment of
personation.

Presiding Officer
may arrest person
guilty of
personation.

Costs and expenses
of prosecution
to be allowed.

Prohibition of
canvassing near
polling-booths.
Com., 1905, No. 26,
s. 52.

153.—(1.) Every person who at any election (or, in the case of voting by post, at or prior to the election) applies for a ballot-paper in the name of some other person, living, or dead, or of a fictitious person, or who having voted once at any such election, applies again at the same election for a ballot-paper in his own name, commits the offence of personation.

(2.) Every person who commits or attempts to commit the offence of personation, or who aids, abets, counsels, or procures the commission of that offence, is liable to imprisonment not exceeding two years.

(3.) Every presiding officer may, without any other warrant than this Act, cause to be arrested and taken before a Justice of the Peace any person reasonably suspected of committing or attempting to commit at a polling-booth any act of personation.

All constables shall aid and assist the presiding officer in the performance of his duty.

(4.) It shall be the duty of the Returning Officer to institute a prosecution against any person whom he believes to have committed the offence of personation, or of aiding, abetting, counselling, or procuring the commission of that offence by any person at the election for which he is Returning Officer.

(5.) The costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the Court.

154. The following acts, namely:—

- (i.) Canvassing for votes; or
- (ii.) Soliciting the vote of any elector; or
- (iii.) Inducing any elector not to vote for any particular candidate; or
- (iv.) Including any elector not to vote at the election—

are prohibited—

(a.) At or about the entrance of or within a polling-booth, on polling-day, or on any day to which the polling is adjourned.

(b.) (Except in the case of a candidate himself) at the residence, or place of business or employment of any elector.

Penalty: 25l.

155. The person witnessing any application to transfer or change or application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiry from the claimant or applicant, that the statements contained in the claim or application are true.

Penalty: 50l.

156. When any person has signed a claim to be enrolled as an elector, any other person who induces the claimant to let him have custody of the claim for transmission to the Electoral Registrar, and fails without just cause or excuse to transmit the claim to the Electoral Registrar, shall be guilty of a contravention of this Act.

157.—(1.) If an employee who is an elector notifies his employer before the polling day that he desires leave of absence to enable him to vote at any election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, allow him leave of absence without any penalty for such reasonable period, not exceeding two working hours as is necessary to enable the employee to vote at the election.

Witness to
application must
satisfy himself
of truth of
statements.
Ibid., s. 52.

Failure to
transmit claims.
Ibid., s. 52.

Employers to
allow employees
leave of absence
to vote. *
Ibid., s. 52.

(2.) No employee shall under pretence that he intends to vote at the election, but without the *bond fide* intention of doing so, obtain leave of absence under this section.

(3.) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

Penalty: 5*l*.

158. Whoever in any polling-booth on polling-day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling-booth by any constable or by any person authorized by the presiding officer.

Offender may be removed from polling-booth. Com., s. 183. W.A., s. 142.

159. Any person so removed re-entering or attempting to re-enter the polling-booth without the permission of the presiding officer shall be guilty of a further electoral offence, punishable on conviction by twice the penalties prescribed in the Table for the original offence.

Further punishment. Com., s. 184. W.A., s. 150.

160. Any person incurring or authorizing any electoral expense on behalf of a candidate without the written authority of the candidate or of his agent authorized in writing, shall be guilty of a contravention of this Act.

Expenditure on behalf of a candidate. Com., s. 185. W.A., s. 151.

161. Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf and with his knowledge or authority.

Liability for indirect acts. Com., s. 186. W.A., s. 152.

162. Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if offence had been committed.

Attempts. Com., s. 187. W.A., s. 153.

163. On any prosecution under this Act the certificate of the Chief Electoral Officer or a Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at the election, shall be evidence of the matter stated.

Certificate evidence. Com., s. 188. W.A., s. 154.

164.—(1.) Offences against this Act punishable by imprisonment exceeding one year shall be prosecuted by information filed in any Court by the Attorney-General.

Offences to be prosecuted by information.

(2.) All offences against this Act, other than those to be so prosecuted by information as aforesaid, shall be punishable on summary conviction, and such offences and all fines, penalties, and sums of money imposed or made payable in respect thereof shall be heard, determined, and recovered in a summary way by and before any Police Magistrate, or before any two or more Justices of the Peace, in the mode prescribed by "The Magistrates Summary Procedure Act."

Offences punishable on summary conviction.

PART XV.—*Disputed Returns.*

165.—(1.) The validity of any election or return may be disputed by petition addressed to the Supreme Court, and not otherwise; and the Supreme Court shall have jurisdiction to hear and determine the same, and the trial of the petition shall take place within the district to which the election or return relates.

Method of disputing elections. Com., ss. 192, 193. W.A., s. 159.

(2.) The Judge hearing the petition shall fix the place or places within the district where the petition shall be heard.

166. Every petition disputing an election or return, in this part of this Act called "the Petition," shall—

Requisites of petition. Com., s. 194. Com., 1905, No. 26, s. 54. W.A., s. 160.

- (i.) Set out the facts relied on to invalidate the election or return;
- (ii.) Contain a prayer asking for the relief the petitioner claims to be entitled to;
- (iii.) Be signed by a candidate at the election in dispute or by one-twentieth of the electors qualified to vote thereat;
- (iv.) Be filed with the Registrar of the Supreme Court within forty days after the declaration of the poll.

167. At the time of filing the petition the petitioner shall deposit with the Registrar of the Supreme Court the sum of 100*l*. as security for costs.

Deposit as security for costs. Com., s. 195. W.A., s. 161.

168. The trial of an election petition under this Act shall be proceeded with notwithstanding the prorogation of Parliament or dissolution of the Assembly.

Prorogation of Parliament. 1 Edw. VII. No. 57, s. 144 (Tas.).

169. No proceedings shall be had on the petition unless the requirements of the preceding sections of this part of this Act are complied with.

No proceeding unless requisites complied with. Com., s. 196. W.A., s. 162.

170.—(1.) The Court shall be constituted by a Judge sitting in open Court and its powers shall include the following:—

Constitution of Court Powers. Cf. Com., s. 197. W.A., s. 163.

- (i.) To declare that any person who was returned as elected was not duly elected;
- (ii.) To declare any candidate duly elected who was not returned as elected;

- (iii.) To declare any election absolutely void ;
- (iv.) To dismiss or uphold the petition in whole or in part ;
- (v.) To award costs.

Com., 1905,
No. 26, s. 55.

(2.) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

(3.) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election absolutely void, may be exercised on the ground that illegal practices were committed in connection with the election.

Inquiries by
Court.
Com., s. 198.
W.A., s. 164.

171. The Court shall inquire whether or not the petition is duly signed, and so far as rolls and voting are concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct ; but the Court shall not inquire into the correctness of any roll.

Voiding election
for illegal
practices.
Com., 1905,
No. 26, s. 56.

172.—(1.) If the Court finds that a candidate has committed or has attempted to commit bribery or undue influence, his election, if he is a successful candidate, shall be declared void.

(2.) No finding by the Court shall bar or prejudice any prosecution for any illegal practice.

(3.) The Court shall not declare that any person returned as elected was not duly elected, or declare any election void—

(i.) On the ground of any illegal practice committed by any person other than the candidate and without his knowledge or authority ; or

(ii.) On the ground of any illegal practice other than bribery or corruption, or attempted bribery or corruption, unless the Court is satisfied that the result of the election was likely to be affected, and that it is just that the candidate should be declared not to be duly elected or that the election should be declared void.

Court to report
cases of illegal
practices.
Ibid., s. 56.

173. When the Court finds that any person has committed an illegal practice, the Registrar of the Supreme Court shall forthwith report the finding to the Minister.

Errors not to
vitate election.
Com., s. 200.
W.A., s. 166.

174. No election shall be avoided on account of any irregularity or delay in the declaration of nominations, the polling, or the return of the writ, or on account of the absence or error of any officer which shall not be proved to have affected the result of the election.

Decisions to
be final.
Com., s. 201.
W.A., s. 167.

175. All decisions of the Court shall be final and conclusive without appeal, and shall not be questioned in any way.

Copies of
Petitions, &c.,
to be sent to
House affected.
Com., s. 202.
W.A., s. 163.

176. The Registrar of the Supreme Court shall forthwith after the filing of the petition, forward to the Clerk of the House of Parliament affected by the petition, a copy of the petition, and after the trial of the petition shall forthwith forward to such Clerk a copy of the Order of the Court.

Counsel or
solicitor.
Com., 1905,
No. 26, s. 57.

177.—(1.) No party to the petition shall, except by consent of all parties, or by leave of the Court, be represented by counsel or solicitor.

(2.) In no case shall more than one counsel or one solicitor appear on behalf of any party.

Costs.
Ibid., s. 57.

178. The Court may award costs against an unsuccessful party to the petition.

Deposit applicable
for costs.
Com., s. 203.
W.A., s. 169.

179. If costs are awarded to any party against the petitioner, the deposit shall be applicable in or towards payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

Other costs.
Com., s. 204.
W.A., s. 170.

180. All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the Order of the Court were a judgment of the Supreme Court, and such Order, certified by the Court, may be entered as a judgment of the Supreme Court, and enforced accordingly.

Effect of decision.
Com., s. 201.
W.A., s. 171.

181. Effect shall be given to any decision of the Court, as follows :—

(i.) If any person returned is declared not to have been duly elected, he shall cease to be a Member of the Council or Assembly ;

(ii.) If any person not returned is declared to have been duly elected, he may take his seat accordingly ;

(iii.) If any election is declared absolutely void, a new election shall be held.

Power to make
Rules of Court.
Com., s. 206.
W.A., s. 172, 173.

182. The Judges of the Supreme Court, or a majority of them, may make Rules of Court not inconsistent with this Act for carrying this Part of the Act into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by parties.

Every Rule of Court made in pursuance of this section shall be laid before both Houses of Parliament within forty days next after it is made if Parliament is then sitting ; or if Parliament is not then sitting, then within forty days after the next meeting of Parliament.

If an Address is presented to the Governor by either House of Parliament within the next subsequent forty sitting days of the House praying that any such Rule may be annulled, the Governor may thereupon annul the same.

To be laid before
the Parliament.

The rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which have in the meantime been taken under it.

PART XVI.—*Miscellaneous.*

183. Any person who—

(i.) Is convicted of bribery or undue influence, or of attempted bribery or undue influence, at an election; or

(ii.) Is found by the Supreme Court (on a disputed return) to have committed or attempted to commit bribery or undue influence when a candidate—

shall, during a period of five years from the date of the conviction or finding, be incapable of being chosen or of sitting as a member of either House of Parliament.

184.—(1.) Any person, having announced himself for election, who, within six months prior to the declaration of the poll, offers, promises, or gives, directly or indirectly, to or for any club or other association, any gift, donation, or prize, shall be guilty of an offence against this section.

Penalty: 5*l.*, in addition to any other penalty provided by law.

(2.) No proceedings shall be taken for a contravention of this section, except within three months after the act complained of.

185. Every member returned to serve in the Parliament of Tasmania shall, before he takes his seat in the Legislative Council or House of Assembly, as the case may be, make and subscribe before the Governor, or some person authorized by the Governor, to receive such declaration, the declaration upon honour contained in the Form N, Schedule III.

186. It shall be lawful for the Governor to delegate to any other person the performance of any act or thing which by this Act he is empowered to perform: Provided always, that any such delegation shall be made under the hand of the Governor and the seal of the State, and be duly announced by Proclamation in the "Gazette."

187. Where any delay occurs in the return of a writ or writs from any part of the State, and by the non-return of such writ or writs the number of members of the Council or Assembly is not complete on the day whereon the Council and Assembly are summoned to assemble for the dispatch of business, it shall be competent for the Council and the Assembly respectively to proceed to business, if duly summoned for such purpose, notwithstanding the non-return of any writ or writs on or before the day whereon such writs are made returnable: Provided always, that the number of members deficient in consequence of the non-return of such writ or writs, shall not exceed two in the Council and four in the Assembly.

188.—(1.) Where any accidental or unavoidable impediment, misfeasance, or omission happens, the Governor may take such measures as are necessary for removing or rectifying the same, or may postpone the day on which any Electoral Roll is to come into force, or may declare any such roll valid, or may declare any or all of the proceedings at or about any election valid, notwithstanding such impediment, misfeasance, or omission.

(2.) Every Proclamation shall state specifically the nature of the impediment, misfeasance, or omission.

189. No misnomer or inaccurate description of any person, place, or thing named or described in the Schedule to this Act, or in any Electoral Roll, or in any notice required by this Act, shall in anywise prevent or abridge the operation of this Act with respect to such person, place, or thing, provided that such person, place, or thing, is so designated as to be commonly understood.

190. All moneys received for copies of Electoral Rolls, and other documents under this Act, shall form part of the Consolidated Revenue Fund.

191. All electoral papers transmitted through the post, if duly addressed, shall, on proof of posting, be deemed to have been duly served on and received by the person to whom they were addressed on the day when, in the ordinary course of post, they should have been received at his address.

192. In all cases where it is impracticable to communicate any electoral matter by post without occasioning undue delay, any telegraphic advice communicated in the ordinary course shall suffice for all the purposes of this Act, as if the matter telegraphed had been communicated in manner provided by this Act.

193. Any person required by this Act to sign his name may, on satisfying an officer or authorized witness that he is unable to write, make his distinguishing mark, which shall be witnessed by the officer or authorized witness.

194. When any officer is by this Act required or authorized to give a public notice, and no special mode of giving it is mentioned, he may give it by advertisement, placards, handbills, or such other means as he thinks best calculated to give the information to the electors.}

195.—(1.) Strict compliance with the forms in the Schedule shall not be required, and substantial compliance therewith shall suffice for the purposes of this Act.

(2.) The forms in the Schedule may, subject to the provisions of this Act, be altered by the Regulations.

Disqualification for bribery or undue influence. Com. 1905, No. 26, s. 59.

Gifts by candidate. Ibid., s. 59.

Member's declaration. 1 Edw. VII, No. 57, s. 164.

Form (N), Schedule III.

Governor may, by Proclamation, delegate duties to any person. Ibid., s. 165.

Provides for delay in return of writs. Ibid., s. 166.

Unavoidable impediments may be removed by Governor. 5 Edw. VII, No. 29, s. 229 (N.Z.).

Misnomer not to vitiate. Ibid., s. 169. Cf. 5 Edw. VII, No. 29, s. 70 (N.Z.).

Appropriation of moneys.

Electoral matter to be sent by post. W.A., s. 174.

Electoral matter may be sent by telegraph. Com., s. 208. W.A., s. 175.

A person unable to write may make his mark. W.A., s. 176.

Mode of giving notices. 63 & 64 Vict., c. 12, s. 150 (Canada).

Forms. Com., 1905, No. 26 s. 60.

Regulations.
Com., s. 178.
W.A., s. 210.

196.—(1.) The Governor may make Regulations for carrying out this Act.
(2.) All such Regulations shall be notified in the "Gazette," and shall thereupon have the force of law.

(3.) All such Regulations shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

Section 13.

SCHEDULE I.

Names of Electoral Districts for the Return of Members of the Legislative Council and House of Assembly.

1. Bass.
2. Darwin.
3. Denison.
4. Franklin.
5. Wilmot.

Section 13.

SCHEDULE II.

Boundaries of Electoral Districts.

Bass.

Commencing at Low Head, on the River Tamar: thence after crossing that river by the west bank thereof to the boundary of the town of Trevallyn; thence by the north-west and south-west boundaries of that town to the South Esk River; thence by that river and after crossing the same by the south-west the south-east and the north-east boundaries of the city of Launceston to the North Esk River, by that river (after crossing the same) to its source, thence by a line to Youl's Lake, thence by a line to the source of the Ben Lomond Rivulet; by a north-easterly line from thence to the Butts of Ben Lomond; thence by a line to the source of the Buffalo Brook, and by that brook to the north-west boundary of lot 245; by that boundary to Storey's Creek; thence by that creek to the South Esk River; by that river to the north-east boundary of lot 24, granted to F. W. Stieglitz; by part of that boundary and by the south-east boundary of 300 acres of land granted to John Sinclair; thence by a south-easterly line to the south angle of lot 234; by the south-east boundary of that lot and by the south-east and north-east boundaries of lot 231, and by part of the south-east boundary of lot 2784, to the source of the Fingal Rivulet; thence by an easterly line to the north-west angle of the town of Seymour; by the north boundary of that town to Doctor's Creek, by that creek to the sea, and by the sea northerly to Bass Strait; and thence by that strait to the point of commencement.

All the islands adjacent to the coast north of Doctor's Creek, and all islands in Bass Strait east of the 147th degree of longitude, and south of 39° 12' of latitude, form part of this district.

Darwin.

Commencing at the mouth of the Mainwaring River on the Southern Ocean; thence by the north bank of that river to its source; from thence to the source of the Sprent River, by that river to the Gordon River, by that River to the Franklin River, by that River to the Collingwood River, by that river to its source; thence by a line to Lake Augusta; thence by a north-easterly line to the Canning River; by that river north-westerly for a distance of 8 miles or thereabouts; thence by a northerly line to the south-east angle of the Van Diemen's Land Company's Surrey Hills Block; thence by part of the east boundary of that block for a distance of 2½ miles or thereabouts; thence by an easterly line to the source of the River Lea, by that river to the River Wilmot, by that river to the River Forth, by that river to Bass Strait; thence by Bass Strait and by the Southern Ocean aforesaid to the point of commencement. King Island and all islands in Bass Strait west of the 146th degree of longitude and south of 39° 12' of latitude form part of this district.

Denison.

Commencing at the mouth of Humphrey's Rivulet on the River Derwent, and bounded by that rivulet to the north-west angle of 2,000 acres of land granted to George Hull by the west, and by a south-west boundary of that grant to the south angle thereof; thence by a south-easterly line to the trigonometrical station on Mount Wellington; thence by a south-easterly line to the source of Brown's River, by that river to the River Derwent aforesaid, and thence by that river to the point of commencement.

Franklin.

Commencing at the mouth of the Mainwaring River and bounded by that river to its source; thence by a line to the source of the Sprent River, by that river to the Gordon River, by that river to the Franklin River, by that river to the Collingwood River, by that river to its source; thence by a line to Lake Augusta; thence by a north-easterly line to the Canning River; by that river for a distance of about eight miles; thence by a due easterly line to Lake Ada; thence by a northerly line to Pillan's Lake; thence by a line to Lake Julian; thence by a line to the source of the Meander River; thence by an easterly line along the summits of the Great Western Mountains to the source of the Dabool Rivulet, by that rivulet to the Lake River; thence crossing that river to the south-east boundary of the Wesleyan Mission property, by the south-east boundary of that property, by part of the south, by an east, by a south, again by an east and by part of the north boundary of land located to John Montagu, by the west boundary of the parish of Lincoln to the Macquarie River, by that river (after crossing the same) to the south-east boundary of 101½ acres granted to James Gibson and R. and J. Mercer, by that boundary, by a south-east boundary of land located to Henry Emmett, by the south-west and north-west boundaries of land granted to Robert William Nutt and Robert Pitcairn to the division boundary between the parishes of Cleveland and Bathurst, by that boundary and by the south-east boundary of the parish of Cleveland to the Hunting Ground Watercourse, by that watercourse to the road from Campbell Town to Avoca, by that road to the South Esk River, by that river (after crossing the same) to the Ben Lomond Rivulet, by that rivulet to its source, by a north-easterly line from thence to the Butts of Ben Lomond, thence by a line to the source of Buffalo Brook, and by that brook to the north-west boundary of lot 245, by that boundary to Storey's Creek; thence by that creek to the South Esk River, by that river to the north-east boundary of lot 24 granted to F. W. Stieglitz, by part of that boundary and by the south-east boundary of 300 acres of land granted to John Sinclair; thence by a south-easterly line to the south angle of lot 234 by the south-east boundary of that lot and by the south-east and north-east boundaries of lot 231, and by part of the south-east boundary of lot 2784 to the source of the Fingal Rivulet; thence by an easterly line to the north-west angle of the town of Seymour, by the north boundary of that town to Doctor's Creek, by that creek to the sea, by the sea southerly to Cape Raoul; thence by Storm Bay, Norfolk Bay, and Frederick Henry Bay to the River Derwent, by that river to the causeway at Bridgewater; thence by that causeway to the opposite bank of the River Derwen; thence by that river to the Humphrey's Rivulet, by that rivulet to the north-west angle of 2,000 acres of land granted to George Hull, by the west and by a south-west boundary of that grant to the south angle thereof; thence by south-easterly line to the trigonometrical station on Mount Wellington; thence by a south easterly line to the source of Brown's River; thence by that river to the River Derwent aforesaid; thence by that river, by D'Entrecasteaux Channel, and by the sea to the point of commencement.

Schouten Island, Maria Island, Bruni Island, and all other islands adjacent to the coast between Doctor's Creek and the Mainwaring River form part of this district.

Wilmot.

Commencing at the mouth of the River Forth on Bass Strait and bounded by Bass Strait to the River Tamar; thence by that river to the town of Trevallyn; thence by the north-west and south-west boundaries of that town to the South Esk River; thence by that river, and after crossing the same by the south-west, the south-east, and the north-east boundaries of the city of Launceston to the North Esk River, by that river (after crossing the same) to its source; thence by a line to Youl's Lake; thence by a line to the source of the Ben Lomond Rivulet; by that rivulet to the South Esk River; by that river to the road from Campbell Town to Avoca; by that road to the hunting ground water-course; by that water-course to the boundary of the parish of Cleveland; by the south-east, a north-east, and the south boundary of that parish to the north-east boundary of 1,000 acres of land located to Adam Turnbull; by part of that boundary and by the south-west and north-west boundaries of 8,407 acres of land granted to Robert William Nutt and Robert Pitcairn to the Macquarie River; by that river to a point opposite the west boundary of the parish of Lincoln; thence (after crossing the Macquarie River) by the west boundaries of that parish to the north boundary of land located to John Montagu; by part of the north, by the east, by a south, again by an east, and again by part of a south boundary of that location, by the south-east boundary of the Wesleyan Mission property, to the Lake River; by that river (after crossing the same) to the Dabool Rivulet; by that rivulet to its source; thence by a line along the summits of the Great Western Mountains to the source of the Meander River; by a line from thence to Lake Julian; by a line from thence to Pillan's Lake; by a southerly line to Lake Ada; thence by a westerly line to the Canning River; thence by a northerly line to the south-east angle of the Van Diemen's Land Company's Surrey Hills Block; by the east boundary of that block for a distance of 2¾ miles or thereabouts; thence by an easterly line to the source of the River Lea; by that river to the River Wilmot; by that river to the River Forth aforesaid; and thence by that river to the point of commencement.

All islands in Bass Strait between the 146th and 147th degrees of longitude and south of the 29° 12' of latitude form part of this district.

Section 28.

SCHEDULE III.

FORM (A).

“The Electoral Act, 1906.”

Legislative Council.

Electoral Claim.

Electoral District of [here insert name of District].

- To the Electoral Registrar,
- 1. I claim to have my name placed on the Electoral Roll for polling-place for the above district.
 - 2. I am not under the age of 21 years.
 - 3. I am a natural-born (or naturalized) subject of the King.
 - 4. I have been a resident in Tasmania for a period of twelve months.
 - 5. I possess the following qualification, viz.:—

.....
.....
.....

Namely:—
*
.....
.....

Dated the day of , 19 . .

Surname
Christian names at full length
Sex
Place of residence
Occupation
Usual signature.....

Received the day of , 19 .
....., *Electoral Registrar.*

Section 28.

FORM (B).

“The Electoral Act, 1906.”

House of Assembly.

Electoral Claim.

Electoral District of [here insert name of District].

- To the Electoral Registrar,
- 1. I claim to have my name placed on the Electoral Roll for polling-place of the above district.
 - 2. I am not under the age of 21 years.
 - 3. I am a natural born (or naturalized) subject of the King.
 - 4. I am an inhabitant of Tasmania, and have lived therein for six months, and live in the above district.
 - 5. My name is not on the Electoral Roll for any other electoral district.

Dated the day of , 19 .

Surname.....
Christian names in full.....
Sex
Place of living.....
Occupation.....
Usual signature.....

* If a property qualification, state where the qualifying property is situated, with sufficient particulars to identify the same.

Section 31.

"The Electoral Act, 1906."

Application to Transfer.

Assembly Roll.

Surname.....
Christian names at full length
Sex
Present place of living
Occupation.....

formerly living at [here insert place] in the electoral district of [here insert name of district] and enrolled for polling-place having *bonâ fide* changed my place of living and lived within the electoral district of [here insert name of district] for not less than one month, do hereby claim to have my name transferred to the Electoral Roll for polling-place for the last-mentioned district.

Dated this _____ day of _____, 19____. _____ (Signature.)

I, _____, an elector, enrolled for _____ polling-place, in the electoral district of _____, certify that I have seen the above-mentioned applicant sign the above application, and that I am satisfied that the statements contained therein are true.

Witness to signature

Note.—Any person who witnesses the signature of the applicant without being personally acquainted with the facts or satisfying himself by inquiry from the applicant or otherwise that the statements contained in the application are true, is guilty of an offence and liable to a penalty of 50*l*.

Section 31.

“The Electoral Act, 1906.”

Application to Transfer.

Council Roll.

Surname
 Christian names at full length
 Sex.....
 Present residence
 Occupation

registered on the Electoral Roll for the electoral district of [*here insert name of district*]
, polling-place, in respect of the following qualification :—

.....

situated at*

and possessing another qualification as follows:—

.....

.....
situated at*

do hereby apply to have my name transferred to the polling-place of the said Electoral Roll in respect of the last-mentioned qualification.

Dated this _____ day of _____ 19 ____ .
 _____ (Signature).

Witness :

* State where the qualifying property is situated, with sufficient particulars to identify the same.

Section 42.

FORM (E).

“The Electoral Act, 1906.”

Notice of Objection.

I object to the name of [here insert the name, place of residence, and occupation of person objected to, as in the roll] being retained on the Electoral Roll for the electoral district of [here insert name of district] on the ground that [here state grounds of objection].

Dated this day of 19 .
(Signed) A. B., of [here state address and occupation of objector].

Section 61.

FORM (F).

“The Electoral Act, 1906.”

Electoral District of [here insert name of District].

Nomination of a Member of the [here state whether Council or Assembly].

To the Returning Officer for the electoral district of [here insert name of district].

We, the undersigned electors on the Electoral Roll for the electoral district of [here insert name of district], do hereby nominate [Christian name, surname, residence, and occupation of person nominated] as a member of the [here state whether Legislative Council or Assembly] of the Parliament of Tasmania for the said district.

Dated the day of 19 .

Signatures of Nominators.	Place of Residence.	Polling-places.	Number on Roll.

I, , of , consent to the above nomination, and to
act if elected. (Signature of Candidate.)

N.B.—The candidate’s consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency is not to be questioned.

Section 76.

FORM (G).

“The Electoral Act, 1906.”

Application for a Postal Vote Certificate.

To the Returning Officer, electoral district of [here insert name of district].

I [here state Christian names, surname, residence, and occupation] hereby apply for a postal vote certificate.

- 1. I am an elector on the Electoral Roll for the [here state Council or Assembly, as the case may be] district of [here insert name of district] to vote at [here insert name of polling-place].
- 2. The ground on which I apply for the certificate is—

(a.) That I have reason to believe that I will not, on polling-day, be within 7 miles of the above polling-place. My reasons for this belief are—

.....
.....

- (b.) That, being a woman, I will, on account of ill-health, be unable, on polling-day, to attend the polling-place to vote.
- (c.) That I will be prevented, by serious illness or infirmity, from attending the polling-place on polling-day.

Note.—The elector will rule out any two of the above grounds which do not apply to his or her particular case, as only one ground is necessary for the application.

3. I request that a postal vote certificate and a postal ballot-paper may be forwarded to me at [here state address to which the papers are to be forwarded].

Dated this day of 19 .
(Signature.)

Signed in the presence of—
[Authorized witness to sign here and insert his title.]

N.B.—Any one of the following persons is an authorized witness, namely :—
[The persons who are authorized witnesses within the meaning of this Act to be enumerated here].

No authorized witness shall—

- (a.) Witness the signature of any elector to an application for a postal vote certificate unless the elector is personally known to him; or
- (b.) Witness the signature of any elector to any application or form of application for a postal vote certificate, unless he has seen the elector sign the application or form of application in his own handwriting.
- Penalty: 50*l.*, or one month's imprisonment.

The person witnessing any application for a postal vote certificate under this Act shall, if he is not personally acquainted with the facts, satisfy himself, by inquiry from the applicant, that the statements contained in the application are true.

Penalty: 50*l.*

Duty of authorized witness as to applications.

Witness to application must satisfy himself of truth of statements.

FORM (H). Section 79.

“The Electoral Act, 1906.”

Postal Vote Certificate.

Electoral District of [here insert name of District].

I hereby certify that , of , is entitled to vote at the election for [here insert purpose for which the election is to be held, and whether for the Council or Assembly] to be held on the day of 19 .

Dated this day of 19 .
(Signed) , Returning Officer.

FORM (I). Section 79.

Election of [here insert number to be elected, and whether for the Council or Assembly].

Postal Ballot Paper.

Instructions to Elector.

1. The elector shall exhibit his postal ballot-paper (in blank) and his postal vote certificate to an authorized witness.
2. In the case of any election for a district where only one member has to be returned, the elector shall mark his vote by writing on the ballot-paper, in the presence of an authorized witness, but so that he does not see the vote, the name of the candidate for whom he votes as his first preference opposite a square, and by placing the number 1 within the square. The elector may also in addition write the names of the other candidates, or any of them, on the ballot-paper, and indicate the order of his preference for them by placing the numbers 2, 3, 4, and so on within squares opposite their names.
3. In the case of an election for a district where more than one member has to be returned, the elector shall mark his vote by writing on the ballot-paper, in the presence of an authorized witness, but so that he does not see the vote, the names of three candidates opposite squares, and

shall indicate the order of his preference for them by placing the numbers 1, 2, and 3 within the squares opposite their names. The elector may also in addition write the names of as many more candidates as he pleases on the ballot-papers, and indicate the order of his preference for them by placing within the squares respectively opposite their names other numbers, next in numerical order, after those already used by him.

4. If the elector's sight is so impaired that he cannot vote without assistance, the authorized witness, if so requested by the elector, may act for him in the presence of a witness.

5. The elector shall then fold the ballot-paper, and fasten margin to margin.

6. The elector shall then himself sign his name on the counterfoil, in the place provided for the signature of the voter.

7. The authorized witness shall then himself sign his name in the place provided for the signature of the witness, and shall add his occupation and place of living, and the date.

8. The elector shall then place the ballot-paper, with the counterfoil attached, into the envelope addressed to the Returning Officer, and fasten the envelope, and duly stamp and hand it to the authorized witness for posting.

Instructions to Authorized Witness.

The authorized witness shall—

- (a). See that the above directions are accurately complied with;
- (b). Refrain from looking at the vote given by the elector except where the elector's sight is so impaired that he cannot vote without assistance, and the elector requests his assistance;
- (c). Not disclose any knowledge officially acquired by him touching the vote of the elector; and
- (d). Forthwith post the envelope containing the postal ballot-paper.

Penalty: 100*l.*, or three months' imprisonment.

Authorized Witnesses.

Any one of the following persons is an authorized witness, namely:—

[*The persons who are authorized witnesses within the meaning of this Act to be enumerated here.*]

Counterfoil.

No—
Signature of voter—
Witness—

[*Authorized witness to sign here and insert his title.*]

.....

Ballot Paper.

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Section 83.

FORM (J).

Declaration of Elector claiming to Vote at Polling-booth.

I, _____, residing at _____, do hereby declare that my name is included in the Electoral Roll for the electoral district of _____, and that I have not received a postal ballot-paper entitling me to vote by post at the election of members for the _____ now being held in the said electoral district, and that I desire to vote personally at such election.

Signed and declared at _____ polling-booth,
this _____ day of _____, in the presence of _____
Returning Officer or Presiding Officer.

Caution.—Any person who wilfully and knowingly makes and subscribes a declaration which is untrue or false in any particular is guilty of wilful and corrupt perjury, and is punishable accordingly.

FORM (K).

Section 99.

Form of Ballot Paper.

- ☐ COLLINS, WILKIE.
- ☐ FARRADAY, MICHAEL.
- ☐ KINGSLEY, CHARLES.
- ☐ KIPLING, RUDYARD.
- ☐ LE QUEX, WILLIAM.
- ☐ SCOTT, WALTER.

FORM (L).

Section 106.

Form of Declaration to be signed by a Voter before Voting at any Polling-place other than the Polling-place for which he is enrolled.

[Polling-place.]

I declare that I am the person whose name appears as No. [here insert number on roll and name of elector] on the Electoral Roll for the electoral district of [here insert name of district], and that I have not voted either here or at any other polling-place at this election, and I promise that if I am permitted to vote here, I will not vote at this election at any other polling-place.

Signature of elector
Place of residence
Occupation

Declared before me, this day of 19 .
Presiding Officer.

FORM (M).

Section 141.

“The Electoral Act, 1906.”

Return of Electoral Expenses.

I,* a candidate at the Election of
held on the† day of 19 ,
in the electoral district of in Tasmania, make the following
return respecting my electoral expenses at this election :—

* Insert name and address of candidate.

† Insert day of polling, or, if no opposition, date of nomination.

Expenditure. £. s. d.

- (1.)‡ Paid for purchasing electoral rolls
- (2.)§ Paid for printing, advertising, publishing, issuing, and distributing addresses by me as candidate, and notices of meetings
- (3.)|| Paid for stationary, messages, postages, and telegrams
- (4.)¶ Paid for committee-rooms
- (5.)** Paid for public meetings and halls therefor
- (6.)†† Paid for scrutineer

‡ The names of persons to whom the money is paid and the sum paid to each must be set out separately.

§ The name and description and the nature of the work done by each person to whom any payment is made must be set out separately.

|| The name, occupation, and address of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.

¶ The name, occupation, and address of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.

** The name, occupation, and address of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.

†† The name of the scrutineer, the name of the polling-place at which he was employed, and the sum paid to him, must be set out separately.

* The name, occupation, and address of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.

(7)* Paid for conveying voters to the poll

In addition to the foregoing I am aware of the following disputed and unpaid claims, viz. :—

The name, occupation, and address of each person whose claim is disputed or unpaid, the ground of claim, and the amount, must be set out separately.

Total

And I do solemnly and sincerely declare that this return is true in every particular, and that, except as appears by this return, I have not, and no person has, with my knowledge or authority, paid any electoral expense incurred by me or on my behalf or in my interest at or in connection with the said election, or incurred any such expense, or any liability for any such expense, or given or promised any reward, office, employment, or valuable consideration on account or in respect of any such expense.

(Signature of Candidate.)

Declared and subscribed before me, this day of 19 .

Justice of the Peace.

Section 189.

FORM (N).

Member of Parliament's Declaration.

I, A.B., do hereby declare, upon my honour, that I have not paid, nor will I pay, nor have I authorized, nor will I authorize any person to pay for me or on my behalf, any other moneys than such as are allowed by "The Electoral Act, 1906," in reference to my election as a Member of this House [or Council] for the electoral district of ; and I do also declare upon my honour, that I have done no act unduly to influence any elector in the vote which he has given at such election.

A. B.

Section 128.

SCHEDULE IV.

In this Schedule, unless the contrary intention appears—

"Returning Officer" means the Returning Officer for the district.

"Quota" means the number of votes sufficient to elect a candidate.

"Surplus" means the number of votes which a candidate has obtained, at any stage of the scrutiny, over and above the quota.

"First choice recorded for a candidate" means a voting-paper on which the number 1 is placed in the square opposite his name.

"Second choice recorded for a candidate" means a voting-paper on which the number 2 is placed in the square opposite his name.

"Transfer value" means that portion of a vote which is unused by—

(a.) An elected candidate who has obtained a surplus.

(b.) A candidate excluded on account of his being lowest on the poll, and which is therefore transferred to the candidate next in the order of the voter's preference. The transfer value of all votes is either 1 or some fraction of 1.

Method of counting Votes where one Member only has to be returned for a District.

First choice for each candidate to be counted.

Candidate obtaining absolute majority to be elected.

1. The number of first choices recorded for each candidate shall be counted, and all informal ballot-papers shall be rejected.

2. The candidate obtaining an absolute majority of votes shall be elected.

An absolute majority of votes means a number greater than one-half of the whole number of ballot-papers other than exhausted and informal ballot-papers. The casting vote of the Returning Officer shall be included in reckoning an absolute majority of votes.

3. If no candidate has an absolute majority of votes, the candidate who has the fewest votes shall be excluded, and each ballot-paper counted to him shall (unless exhausted) be counted to the candidate next in the order of the voter's preference.

4. If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes, and counting each of his ballot-papers (unless exhausted) to the unexcluded candidate next in the order of the voter's preference, shall be repeated until one candidate has an absolute majority of votes.

5. Every ballot-paper, not rejected as informal, shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts. When a candidate is excluded, any ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a consecutive preference for one unexcluded candidate. Exhausted ballot-papers.

6. If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the Returning Officer shall decide which is to be excluded, and if in the final count two candidates have an equal number of votes, the Returning Officer shall decide by his casting vote which shall be elected, but otherwise no Returning Officer shall vote at any election. Casting vote.

Method of counting Votes where more than one Member has to be returned for a District.

1. The number of first choices recorded for each candidate shall be counted, and all informal voting-papers shall be rejected. First choice of each candidate to be counted.

2. The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, (except as hereinafter provided in Rule 10) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota. To find the quota.

3. Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected. Candidates who have the quota to be declared elected.

4. Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with. If first choices exactly equal to quota, voting-papers to be set aside.

5. Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voters' respective preferences, in the following manner:—

(i.) All the voting-papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the cases provided for in Rule 12) third or next consecutive choices, recorded for each unelected candidate thereon, shall be counted; Voting-papers re-examined and second choices counted.

(ii.) The surplus of the elected candidate shall be divided by the total number of votes obtained by him on the counting of the first choices, and the resulting fraction shall be the transfer value; Find the transfer value.

(iii.) The number of second choices, ascertained in paragraph 1 to be recorded for each unelected candidate, shall be multiplied by the transfer value; Multiply second choices by transfer value.

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him on the counting of the first choices. Add result on.

6.—(a.) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus shall be dealt with, and so on: Provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with. If more than one surplus, largest to be first dealt with.

(b.) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with; and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with. If surpluses equal, last difference to decide.

7.—(a.) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no votes of any other candidate shall be transferred to him. If transfer raises candidate up to or above quota he is to be declared elected.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by a transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with. If votes exactly equal to quota voting-papers to be set aside.

(c.) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preference in the following manner:— If surplus created, surplus to be transferred.

(i.) The voting-papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third, or (in the case provided for in Rule 12) next consecutive choices recorded for each unelected candidate thereon counted; Voting-papers of last transfer re-examined and third choices counted.

(ii.) The surplus of the elected candidate shall be divided by the total number of voting-papers mentioned in paragraph (i), and the resulting fraction shall be the transfer value; Find the transfer value.

Multiply third choices by transfer value.

Add result on.

When all surpluses dealt with candidate lowest on poll to be excluded and his votes transferred.

First choices to be transferred first. Then other votes in order.

Each transfer deemed a separate transfer.

If transfer raises candidate up to quota, he to be declared elected.

If votes exactly equal to quota, voting-papers to be set aside.

If surplus created, surplus to be transferred.

Surpluses to be dealt with before further exclusion.

Process of exclusion to be repeated until there remain number of candidates required.

If lowest candidates equal last difference to decide.

If a candidate elected or excluded his name not considered on voting-paper.

Exhausted votes.

(iii.) The number of third choices, ascertained in paragraph 1, to be recorded for each unelected candidate shall be multiplied by the last-mentioned transfer value;

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him.

8.—(a.) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in Rule 5.

(b.) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of each vote in this case being one.

(c.) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he obtained them.

(d.) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

9.—(a.) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no other votes shall be transferred to him.

(b.) Where the number of votes obtained by a candidate is raised up to, but not above, the quota, by any such transfer as aforesaid, the whole of the voting papers on which such votes are recorded shall be set aside as finally dealt with.

(c.) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voters' respective preferences in the same manner as is directed in Rule 7, clause (c): Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(d.) Where any surplus exists it shall be dealt with before any other candidate is excluded.

10. The same process of excluding the candidate lowest on the poll and transferring to other candidates his votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unelected candidates, who have not already been so declared, shall then be declared elected.

11. Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.

12. In determining what candidate is next in the order of the voters' preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voter's preference shall be determined as if the names of such candidates had not been on the voting-paper.

13. Where on any transfer it is found that on any voting-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such voting-paper shall be set aside as exhausted.

Inclosure 4 in No. 24.

1901.—COMMONWEALTH OF AUSTRALIA.

THE SENATE.

Hare-Clark System of Voting.

Report by J. G. Davies, Esq., Returning Officer, Tasmania, and R. M. Johnston, Esq., Statistician of Tasmania.

(Laid upon the Table by Command, and ordered to be printed, December 13, 1901.)

The Hare System of Election in Tasmania.

THE existing law in Tasmania with respect to the election of Parliamentary representatives is that in any constituency where there are more than one member to be elected, the mode of

voting must be conducted upon the Hare system. The first elections under this system in Tasmania took place on the 20th January, 1897, in the larger constituencies of Hobart and Launceston. The rest of the Colony was, and is still, divided into single electorates, and therefore does not come within the working of the Hare system:—

It is to the present Mr. Justice Clark, when acting in the capacity of Attorney-General to the Braddon Ministry (19th), that Tasmania is indebted for the introduction of the Hare system of election.

The causes which led to the introduction of the Hare system in Tasmania, generally known as "Proportional Representation," is here given in Mr. Justice Clark's own words, as follows:—

"The Clark-Hare system of voting was introduced into the electoral law of Tasmania in consequence of the frequent failure of the ordinary system of voting to secure a proportionate representation of the preponderating opinions of the electors on political questions, either in single or plural electorates. Under the first Electoral Act, which provided for the election of the members of a bicameral Legislature, the City of Hobart, by the 'block vote,' elected five Representatives to the House of Assembly, as one electorate, and the City of Launceston elected three Representatives to the same branch of the Legislature in the same manner.

"Under that system it was discovered that a majority of the electors, in each of the two electorates, could elect all the Representatives, and leave a very large minority totally unrepresented in the Legislature. To remedy this evil those two electorates were divided into eight single electorates. But under this system it was discovered that when three or more candidates presented themselves for election, it very frequently happened that the successful candidate was elected by a minority of the total number of votes recorded. The same thing sometimes occurred in the rural electorates, which were all single electorates, but the number of candidates in the rural electorates did not often exceed two. It was also discovered that the division of the cities of Hobart and Launceston into eight single electorates reduced the area of each electorate, and the number of voters to such small dimensions that the agents and canvassers of the several candidates could easily interview every resident elector, and ascertain very closely the number of purchasable or otherwise controllable votes.

"After the representation of the Cities of Hobart and Launceston was increased to six and four members, those electorates were divided into five electorates, each of which returned two members. At the same time two rural electorates, each returning two members, were created. Under this plan it was discovered that the majority of electors in the total number of the electorates which returned two members frequently secured a much larger representation in Parliament than that to which it was proportionately entitled, and thereby gave a preponderance of voting power in the Legislature to a political party which had secured only a minority of the total number of votes recorded at a general election. In several instances neither of the successful candidates in a double electorate was elected by a majority of votes. The last-mentioned result was frequently produced by a large number of the electors voting for only one candidate out of the five or six who were in the field.

"With a view of avoiding these serious defects, the Cities of Hobart and Launceston were converted into two electorates under the Clark-Hare system, which enables every section of political opinion which can command the requisite quota of votes to secure a number of representatives proportionate to its numerical strength. It also utilizes every vote recorded, if the elector chooses to exercise the whole of his power to indicate his preferences. If any vote is not used to help in the election of a Representative, it is because the voter has chosen to indicate his preferences for a less number of candidates than the number of Representatives to be elected in the electorate in which he votes."

So far the causes which led to the introduction of the Clark-Hare system of voting in Tasmania have very clearly been revealed by the author and originator of the modified form of the Hare system known as the "Clark-Hare" system, which, in the opinion of those who have given "true representation" the most careful investigation, has fulfilled in every way the original anticipations of its introducer, and for the first time has given for the electorates effected a closer approach to the true voice of the electors than has ever been attained by any other system of election. It is only natural that those candidates who have failed to be returned under the Clark-Hare system should comfort themselves with the idea that the machinery of election was at fault, and that under some other system than that of "proportional representation" they might have a better chance of success. These, however, together with the typical electioneering agent or canvasser, are well aware that it is less costly, or easier, to come in touch personally with a small electorate, and hence they form a very strong adverse influence to the retention or expansion of the Hare system of voting in any shape whatever. This is naively indicated by all such objectors, by the restriction of their ideas on representation, not to fairer representation of the elector and his greater freedom of choice, but entirely to considerations confined to the ease and convenience of the candidate as such. The rights of the electors and their freedom of choice are scarcely ever dwelt upon by many such who are desirous of appearing as their true representatives in Parliament.

Elections under the Hare System.

The following is a list of the elections conducted under the Hare system in Tasmania, since its first introduction :—

STATE ELECTIONS.

Date.	Electorate.	Number of Seats.	Number of Candidates.
January 20, 1897	Hobart	6	12
" 20, "	Launceston	4	...
March 12, 1900... ..	Hobart	6	9
" 12, "	Launceston	4	...

COMMONWEALTH ELECTIONS.

March 1900	House of Representatives ...	5	9
" "	Senate	6	15

(For the election of members to represent Tasmania, both for House of Representatives and Senate, the State as a whole formed one electorate.)

Working Results of the Hare System of Election in Tasmania.

The working results of the first four State elections under the Hare system in Tasmania has already been very fully investigated by Mr. R. M. Johnston, Government Statistician, who had immediate charge of the work of tabulation at the elections in Hobart, under the Returning Officer, Mr. George Davis, C.M.G., M.H.A., Mayor.

It may be of advantage, in this Report, to confine attention, as far as possible, to the working results of the two last elections under the Hare system in returning members to represent Tasmania in the Commonwealth, six for the Senate, and five for the House of Representatives.

Result of Elections for Senate.

The following Table gives a condensed account of the results of the contest of fifteen candidates to secure one of the six Senatorial seats :—

EFFECTIVE Preference. Votes obtained.

Candidate.	Preference 1. Number.	Preference 2, 3, and over. Number.	All Effectives. Number.
Keating	3,751	...	3,761
Clemons	2,519	578	3,097
O'Keefe	1,904	1,284	3,158
Dobson	1,568	1,561	3,129
Cameron	1,452	1,136	2,588
Macfarlane	1,199	1,236	2,435
Group (A)	12,403	5,795	18,168
Urquhart	1,159	458	1,617
Moore	969	437	1,406
Best... ..	960	248	1,208
Waldron	755	268	1,023
Murray	740	64	804
Patterson	586	123	709
Page	416	49	465
Woolnough	229	8	237
Morrisby	186	10	196
Group (B)	6,000	1,665	7,665
Total effective	18,403	7,460	25,833
Quota ... ..	...	3,067	...

SENATE Effective Votes (per Cental).

Candidate.					Preference 1.		All Effectives.		Count.
					Order.	Per Cent.	Order.	Per Cent.	Number.
Keating	...	...	...	...	1	20.43	1	14.54	1st
Clemons	...	...	...	...	2	13.69	2	11.98	7th
O'Keefe	...	...	...	...	3	10.35	3	12.33	12th
Dobson	...	...	...	...	4	8.52	4	12.10	13th
Cameron	...	...	...	...	5	7.90	5	10.00	14th
Macfarlane	...	...	...	...	6	6.51	6	9.41	14th
Group (A) ...					...	67.40	...	70.36	...
Urquhart	...	...	...	...	7	6.30	7	6.25	12th
Moore	...	...	...	...	8	5.26	8	5.44	11th
Best	...	...	...	...	9	5.22	9	4.67	10th
Waldron	...	...	...	...	10	4.10	10	3.95	9th
Murray	...	...	...	...	11	4.02	11	3.11	7th
Patterson	...	...	...	...	12	3.18	12	2.74	6th
Page	...	...	...	...	13	2.26	13	1.80	5th
Woolnough	...	...	...	...	14	1.25	14	0.92	4th
Morrisby	...	...	...	...	15	1.01	15	0.76	3rd
Group (B) ...					...	32.60	...	29.64	...
Total effective					...	100.00	...	100.00	...

(A) indicates successful candidates ; (B) indicates the group of unsuccessful candidates.

It will be seen that in the contest for the six Senatorial seats there were fifteen candidates. It is curious that in the successful Group (A) only one candidate (Dobson) had ever occupied the position of a Representative in our local State Parliament, while among the nine unsuccessful candidates all but one (Waldron) are or have been Representatives of our local Parliament.

The marked success of what has been termed the "new blood" element was the occasion of much comment. The opponents of the Hare system and some of the unsuccessful candidates were not slow to affirm that the introduction of the "new blood" and the defeat of the old well-known local Representatives was entirely due to the Hare system, meaning, thereby, to some imaginary defect in its mode of operation.

That some difference in the results would likely happen if the whole State was, as originally suggested, broken up into six single electorates, would not at all be improbable. The Hare system gave a choice to each elector of fifteen candidates, and thus favoured those candidates who were in general as well as in local favour among the great body of electors. The single electorate method would restrict the elector's choice to at most two or three candidates, none of which, perhaps, were in particular favour, but might happen to succeed if voting were restricted to the single district where alone the candidate had any considerable following. Fortunately the effect of the ballot, if worked on the single electorate plan, can be very closely gauged, for, out of the total of 18,403 votes polled for the whole State, 16,897 can be referred to each of the five principal divisions into which at one time it was suggested that the State should be divided.

The following analyses shows, in all probability, what the result would be if the election was conducted upon the single electorate system.

To understand more clearly this localization into five single divisions it may be of advantage to give a rough idea of the composition of the five districts, thus :—

Natone.—Comprises Kelly's Basin, Crotty, Queenstown, Gormanston, Zeehan, remainder of Zeehan District, Waratah, and Wellington.

Paratana.—Comprises Devonport, Latrobe, Deloraine, Westbury, Longford, Cressy, and Evandale.

Mangana.—Comprises Launceston, Selby, George Town, Ringarooma, and Fingal.

Talunie.—Cumberland, Campbelltown, Glamorgan, Oatlands, Brighton, Richmond, Sorrell, New Norfolk, Franklin, and Kingborough.

Lionah.—Comprises Hobart, Glenorchy, and Queenborough.

We have seen already that the six candidates who were returned elected obtained actually out of 18,403 effective first preference votes a total of 12,403 votes, or 67.40 per cent., while the nine unsuccessful candidates only obtained 6,000 effective first preference votes, or 32.60 per cent. Whatever qualification we make, therefore, it is manifest that the returned members commanded fully two-thirds of all effective votes within the State, irrespective of the party or opinions which, as a group, they may have represented. So far, therefore, as the represented—the Hamlet of all matters regarding representation—are concerned, the major power of the opinions or wishes of the majority is indubitably honestly represented, so far as Tasmania is concerned, in the Commonwealth Senate.

But while this result cannot very well be disputed, there are those who, in the interests of candidates, merely—bear in mind candidates are not necessarily in harmony with the electors, so far as their respective interests in the election of Representatives are concerned—are always eager to affirm that better results would have been secured had the State been cut up into single electorates.

So far as local politics are concerned as regards country districts particularly, there is much to be said in favour of single member electorates (conjoined with the contingent absolute majority vote), for the often large and undeveloped areas of agricultural, pastoral, mineral, and other primary industries are far more concerned about politics centred in means of communication railways, roads, bridges, harbours, jetties, &c., *e.g.*), than in matter common to all divisions of the State, such for example as defence, external trade (ex-Australian), tariff, excise, judicature, charities, education, old-age pensions, and such like.

These are now the peculiarly distinguishing features between Commonwealth and State politics. The interests of the Commonwealth, so far as its functions extend, are common or homogeneous to all the divisions of any State, and, therefore, the State, in itself, need not be broken up into separate divisions to obtain the best results for the State as a whole. In this respect, it is in a similar condition to the different divisions or wards of a great town or city whose interests, politico-geographical, are in common. To break up such homogeneous units into local artificial divisions would not serve the true interests of electors, neither could it, except by chance, produce a fair indication of the wishes and choice of the majority of the electors within each State.

Notwithstanding these critical observations, let us examine, as far as possible, what different effect would likely have been produced had the State of Tasmania been, for Federal purposes, divided into single electorates.

For this purpose let us reasonably assume that candidates under such circumstances would seek for election in that division which would appear to the candidate to possess the largest body of his own particular following, or in that division where he was most likely to succeed.

To make the comparison more fair it may be desirable in the interests of the single district sympathizers, to contrast the intensity of local support against all local competitors, with the intensity of first preference effective votes obtained by all such as against other candidates within the State as a whole.

At the last elections for the Senate the following are the names of the successful candidates, together with the natural order of their precedence, based upon the percentage of the absolute first preference votes obtained. The result of the preference transfer votes did not disturb this order of precedence, and it goes to show, therefore, that the element of chance in election was practically eliminated, thus:—

ORDER of Precedence of Successful Candidates at First Count and after Final Transfer Votes.

Candidate.	Order of Precedence.			
	Preference 1.		All Preferences, including Transfer.	
	Order.	Per Cent.	Order Returned.	Count.
Keating	1	20·43	1	1st
Clemons	2	13·69	2	7th
O'Keefe	3	10·35	3	12th
Dobson	4	8·52	4	13th
Cameron	5	7·90	5	14th
Macfarlane	6	6·51	6	14th
Six successful ... ..	...	67·40	...	...

If we now endeavour to ascertain what the probable result would have been had each candidate been restricted to that single division in which he had the greatest local following, we must make the following analysis:—

INTENSITY of Local Support within Five Great Divisions where Principal Candidates were most strongly supported.

Division.	Candidate.	Defined Effective Votes. Local Votes.	Percentage to—	
			Local Division.	State.
Natone ...	O'Keefe ...	1,499	31·74	10·35
	Urquhart ...	978	20·92	6·30
	Keating ...	949	20·10	20·43
	Moore ...	405	08·58	5·26
	Clemons ...	243	5·15	13·69
	All others (10) ...	647	13·71	43·97
	Total Natone ...	4,721	100·00	100·00
Paratana ...	Murray ...	581	20·34	4·02
	Clemons ...	478	16·73	13·67
	Best ...	477	16·70	5·22
	Cameron ...	420	14·70	7·90
	Keating ...	271	9·48	20·43
	All others ...	630	22·05	48·74
	Total Paratana ...	2,857	100·00	100·00
Mangana ...	Keating ...	1,138	30·52	20·43
	Clemons ...	1,130	30·32	13·69
	Cameron ...	340	9·12	7·90
	Waldron ...	237	6·36	4·10
	O'Keefe ...	216	5·79	10·35
	All others ...	667	17·89	43·53
	Total Mangana ...	3,728	100·00	100·00
Talune ...	Dobson ...	525	24·07	8·52
	Keating ...	396	18·22	20·43
	Macfarlane ...	236	10·86	6·51
	Clemons ...	211	9·71	13·69
	Page ...	149	6·86	2·26
	All others ...	656	30·28	48·59
	Total Talune ...	2,173	100·00	100·00
Loinah ...	Keating ...	878	25·69	20·43
	Macfarlane ...	738	21·59	6·51
	Dobson ...	549	16·06	8·52
	Cameron ...	348	10·18	7·90
	Clemons ...	244	7·14	13·69
	Patterson ...	241	7·05	3·18
	All others ...	420	12·29	39·77
	Total Loinah ...	3,415	100·00	100·00

From the foregoing analysis, showing the strength of the principal candidates within each of the five great divisions of the State, we may reasonably infer that the candidates standing at the top in each division would be returned for the respective divisions. Keating, though relatively taking an inferior position of order to O'Keefe (1,499), heads the list in two separate divisions (Mangana and Loinah); but as it is probable under such conditions that this candidate would only stand for Mangana, it would have the effect of allowing Macfarlane to be raised into the first position for Loinah.

The position taken up by Clemons by this restriction to one subdivision is very curious and instructive. As this candidate would in all probability stand for Mangana, where it is shown that he had his strongest following, it is likely that he would, as indicated, be defeated by Keating. This shows how, by the single-electorate system, a candidate who commanded the second highest number of followers in the State, and even the third highest following within a single division, would nevertheless be excluded from the poll; while a candidate who only took up the eleventh position (Murray) in the single six-member electorate would in all probability be returned for his local division of Paratana, even though his local following (581) is only about half the number of Clemon's following in Mangana (1,130), where in all probability the latter would be defeated by the superior following of Keating (1,138).

If we now give precedence among the six single-division successful candidates to those are shown to have the largest absolute local following, the order would probably be as follows:—

PROBABLE Order of Precedence of Successful Candidates if restricted to a Single Local Division.

Order of Precedence.	Candidate.	Number of Votes.	Percentage to—	
			Local Division.	State.
(1)	O'Keefe	1,499	31·74	10·35
(2)	Keating	1,138	30·52	20·43
(3)	Macfarlane	738	21·59	6·51
(4)	Murray	581	20·34	4·02
(5)	Dobson	525	24·07	8·52
	Clemons (?) ... ..	...	30·32	13·69
(6)	Cameron (?) ... ..	...	14·70	7·90

It would therefore appear, apart from the mere order of precedence, that, with one exception, the same candidates would be returned for the Senate by the imaginary six single electorates as were actually returned at the last Senate election under the Clark-Hare system. Seeing that there were fifteen candidates in all, this result is very remarkable, and demonstrates the superiority of the Hare system of voting, or true proportional representation.

Result of Elections for the House of Representatives.

The following table gives a condensed account of the results of the contest of nine candidates to secure one of the five seats in the Commonwealth House of Representatives :—

EFFECTIVE Preference Votes obtained.

Candidate.					Preference 1. Number.	Preference 2, 3, and over. Number.	All Effectives. Number.
Braddon	...	...	...	...	4,723	...	4,723
O'Malley	...	...	...	...	3,940	...	3,940
Cameron	...	...	...	...	2,092	1,588	3,680
Fysh	...	...	...	...	1,794	1,364	3,158
Piesse	...	...	...	...	1,818	1,225	3,043
Group (A)...	...	...	...	...	14,367	4,177	18,544
Hartnoll	...	...	...	...	1,430	578	2,008
Whitelaw	...	...	...	...	1,160	358	1,518
Fenton	...	...	...	...	942	131	1,073
Blanchard	...	...	...	...	140	9	149
Group (B)...	...	...	...	...	3,672	1,076	4,748
Total effective	...	...	...	...	18,039	5,253	23,292
Quota	...	...	...	...	...	3,608	...

Per Cental.

Candidate.					Order.	Per Cent.	Order.	Per Cent.	Count.
Braddon	...	...	...	...	1	26·19	1	20·28	1st
O'Malley	...	...	...	...	2	21·84	2	16·92	2nd
Cameron	...	...	...	...	3	11·60	3	15·80	7th
Fysh...	...	...	...	...	5	9·75	4	13·56	8th
Piesse	...	...	...	...	4	10·08	5	13·06	8th
Group (A) ...	...	...	...	...	...	79·66	...	79·62	...
Hartnoll	...	...	...	...	6	7·93	6	8·62	6th
Whitelaw	...	...	...	...	7	6·43	7	6·52	5th
Fenton	...	...	...	...	8	5·21	8	4·60	4th
Blanchard	...	...	...	...	9	0·77	9	0·64	3rd
Group (B) ...	...	...	...	...	...	20·34	...	20·38	...
Total effective	...	...	...	...	...	100·00	...	100·00	...

(A) indicates group of successful candidates. (B) indicates group of unsuccessful candidates.

Of the five successful candidates who, on the first count, obtained as much as 79·66 per cent. of all effective votes only one candidate represented the element of “new blood” as regards local State representation, viz., O’Malley. The other four successful candidates have all been members of our State Parliament, and three of them were prominent figures in the last Braddon Ministry. Of the four unsuccessful candidates, two—Hartnoll and Fenton—are well-known figures in our local State Parliament. Both O’Malley and Whitelaw, prominent Representatives of the “new blood,” were very strongly supported by the great body of electors connected with our local mining industries.

Of the 23,292 effective votes (that is, including those preference transfers which were effective to some candidates, at least in the earlier stages), nearly the same percentage as in the first count was obtained by the five successful candidates, viz., 79·62 per cent. As showing the non-accidental character of the Hare system, it will again be observed that, as in the elections for the Senate, the order of preference of the various candidates was not at all disturbed by the transfer of the second, third, and higher preference transfer votes.

As to the possible difference which might have occurred had the State been divided into five single electoral districts, each returning one member, a similar analysis as in that relating to the Senate elections has been made with the following final probable results:—

Probable Results if the same Candidates contested for One out of the Five House of Representatives’ Seats in that One of the Five Districts in which the particular Candidate had the greatest following.

The following are in all probability the candidates that would be elected by this localization, together with the probable strength of their following and the order of their preference generally:—

Candidate.	Following. Number.	Preference Order. Number.	District.	Percentage.	
				1-Member.	6-Members.
O’Malley	2,402	1	Natone	51·67	21·84
Braddon	1,424	2	Paratuna	49·91	26·19
Piesse	841	3	Loinah	22·98	10·08
Hartnoll	652	4	Mangana	17·32	7·93
Cameron	374	5 (?)	} Talune ... {	19·63	11·68
Fysh	316	5 (??)		22·49	9·95

From this analysis it will be seen that the only defeated candidate under the six-member system who would probably be returned under the one-member system would be Hartnoll, while the fifth seat would lie between Cameron and Fysh.

It must be shown, however, that Hartnoll would only be placed third for Mangana if Braddon and O’Malley contested, for, in the order of names, the latter gained the first and second positions. Similarly for Talune, it is probable that neither Cameron nor Fysh would have been elected by the one-member system if Braddon and Piesse had contested it with them, for it has been found that, in the order of their names, the latter would have gained in election the first and second positions.

These wonderfully close results by the two different systems of election demonstrate the great advantages and the almost complete freedom from the element of chance secured under the Clark-Hare system of election.

Invalid Ballot-papers.

Senate Elections.

The total number of ballot-papers polled for the election of Senators numbered 18,822; 18,403 were declared valid and 419 were declared invalid. The following gives a more complete analysis of the invalid papers:—

					Number.	Per Cent.
Defective preference numbering	...	...	...	...	268	1·42
Unrecognizable figures	...	...	...	...	3	·02
Total due to Hare system	...	...	...	...	271	1·44
Illegal marking or scoring	...	...	...	...	104	·55
Adding signature	...	...	...	...	4	·03
Disfigured or blank papers	...	...	...	...	40	·21
Defects not due to Hare system	...	...	...	...	148	·79
Total invalid papers (Senate)	...	...	...	...	419	2·23

House of Representatives.

The total number of ballot-papers polled for the election of Members for the House of Representatives numbered 18,572, of which 18,039 were declared valid and 533 were declared invalid. The following is a more complete analysis of the invalid papers :—

	Number.	Per Cent.
Defective preference numbering	329	1·77
Unrecognizable figures	6	·03
Total due to Hare system	335	1·80
Illegal marking or scoring	110	·60
Adding signature	6	·03
Disfigured or blank papers	82	·44
Defects not due to Hare system	198	1·07
Total invalid papers (House of Representatives)...	533	2·87

From the foregoing analysis of the “invalid” papers it will be seen, as regards the Senate, that the total number of invalid papers (419) represents 2·23 per cent. of the total number of ballot-papers polled. The number due to Hare system alone (271) only represents 1·44 per cent.

The latter number, however, would have been much less had it not been that the old defective system previously in force in Tasmania required the actual scoring out of every rejected candidate, instead of as in most countries, the marking of a cross or sign only against the names of those candidates who were selected. Had this better form of marking been in practice in Tasmania previous to the introduction of the Hare system of voting, it is probable that there would be very few invalid papers due to the Hare system of marking with preference numbers.

As regards the elections for the House of Representatives it will also be seen that the total number of invalid papers (533) represents 2·87 per cent. of the total number of ballot-papers polled. The number due to the Hare system alone (335) only represents 1·80 per cent.

Of the 419 invalid papers (Senate) only 108 can be traced to their first preference; 69 were lost to successful candidates and 39 were lost to unsuccessful candidates.

Of the 533 invalid papers (House of Representatives) only 140 can be traced to their first preference; 103 were lost to successful candidates and 37 were lost to unsuccessful candidates.

The preceding part of this brief Report gives a very complete account of the working of the Clark-Hare system of voting in Tasmania, so far as it relates to the elections for the last Commonwealth Senate and House of Representatives.

In this paper there are some recommendations made of some importance regarding improvements that might in future be introduced in—

The Work of Counting and Determining the Results of the Poll.

Toward this end Mr. Johnston, among other things, makes the following observations :—

“The work of counting and determining the results of the poll within, say, an hour of its close, might be accomplished with ease and accuracy if the following plan were adopted :—

“1. Set apart a room for the counting staff—properly safeguarded as regards privacy and scrutiny—adjacent to the chief polling-room; and let the work of sorting, counting, and distributing ballot-papers be carried on simultaneously with the work of polling.

“2. Depute the duty of transmitting, in due order from time to time, the various ballot-boxes to counting-room to a particular officer, who shall see that the contents are discharged upon the first sorting-table by the superintendent of the counting-room, who alone possesses the power to unlock the boxes. A spare box should be always available in the polling-room to take the place of the box during its transmission and return from counting-room.

“3. Let the Chief Returning Officer periodically examine and finally determine all doubtful and invalid papers set apart for his decision.

“4. Prior to the day of election, the superintendent of the counting-room should make the necessary calculations which would determine the number of separate sorting- and counting-tables and the necessary staff. The staff, prior to the day of election, should receive an object lesson from the superintendent in the work that they are to be engaged in, and the latter should by actual trial satisfy himself that each one thoroughly understands the particular process intrusted to him. . . . If the plan here indicated is adopted at any election, there is every reason to believe that it would work satisfactorily, and the final results of the election

might be ascertained and published within an hour of the close of the poll. The only work of the Hare system of ballot which would have to be postponed until the close of the poll would be the distribution of transfer votes from quota-surpluses and from the lowest in order of eliminated candidates."

These recommendations of Mr. Johnston applied more particularly to the city elections of Hobart and Launceston, but there is no doubt that the method of simultaneous tabulation and polling might be applied with much advantage, even were the several polling-places scattered over the whole State or a large division of it.

In such case the final work of distributing surpluses and other transfer votes must wait until they come to the hand of the Central Chief Returning Officer, and this need not take longer in transmission than twenty-four hours if polling-places are judiciously distributed, and proper means are prearranged with the postal and railway authorities for their speedy transmission.

(Signed)

J. G. DAVIES, *Returning Officer, Tasmania.*

R. M. JOHNSTON, *Statistician of Tasmania.*

CAPE OF GOOD HOPE.

No. 25.

Governor Sir W. Hely-Hutchinson to the Earl of Elgin.

My Lord,

Government House, Cape Town, December 29, 1906.

I HAVE the honour to transmit to your Lordship, with reference to your Circular despatch of the 1st November, 1906, a Minute from my Ministers on the subject of the application of the principle of proportional representation in public elections.

I have, &c.

(Signed)

WALTER HELY-HUTCHINSON.

Inclosure in No. 25.

Minute.

MINISTERS have the honour to acknowledge the receipt of the Minute of his Excellency the Governor, dated the 4th December, 1906, inclosing a copy of a Circular despatch of the 1st November, 1906, from the Right Honourable the Secretary of State for the Colonies, on the subject of the application of the principle of proportional representation to public elections, and, in reply, Ministers have the honour to state that, strictly speaking, no legislative measures have been taken in this Colony for the application of the principle of proportional representation to public elections.

Ministers have the honour, however, to invite attention to the fact that the method of voting at elections of Members of the Legislative Council differs from the method prescribed by the law in respect of elections of Members of the Legislative Assembly. In both cases the voter has as many votes as there are vacancies to be filled, but the method prescribed of distributing the votes differs. In elections for Members of the Legislative Council the voter can distribute his votes among the candidates as he pleases, and he can, if he chooses, give all his votes to one candidate. In elections for Members of the Legislative Assembly, the voter can distribute his votes among the candidates, but he can only give one vote to the same candidate.

(Signed)

E. H. WALTON.

*Prime Minister's Office, Cape Town,
December 20, 1906.*

QUEENSLAND.

No. 26.

Governor Lord Chelmsford to the Earl of Elgin.

*Government House, Brisbane, Queensland,
January 14, 1907.*

My Lord,

WITH reference to your Circular despatch dated the 1st November, 1906, asking for full particulars of any measures adopted in this State which involves the principle of proportionate representation, I have the honour to inform your Lordship that the only approach thereto in use in this State is the contingent vote which is provided for by the existing Elections Act, a copy of which is forwarded herewith.

I have not sent a copy of this despatch to the Governor-General.

I have, &c.
(Signed) CHELMSFORD.

Inclosure in No. 26.

[Inclosure not printed.]

VICTORIA.

No. 27.

Governor Sir R. Talbot to the Earl of Elgin.

*State Government House, Melbourne,
February 14, 1907.*

My Lord,

WITH reference to your Lordship's Circular despatch of the 1st November, 1906, requesting certain information in regard to the application of the principle of proportional representation to public elections, I have the honour to transmit to you a copy of a Memorandum, with its inclosures, which I have received from my Ministers, comprising all the information available on the subject.

I have, &c.
(Signed) R. TALBOT.

Inclosure 1 in No. 27.

Memorandum.

THE Premier presents his duty to his Excellency the Governor and begs to transmit, in compliance with the request of the Earl of Elgin, four copies of a Bill (which was laid before Parliament in 1900) for dealing with the subject of election expenses, &c. The Standing Orders of the University Senate, and the Acts of the Church of England Assembly, together with a copy of a letter from Professor Nanson and a pamphlet by him, are also forwarded.

Professor Nanson may be regarded as the Australian expert concerning preferential voting and proportional representation.

The above comprises all the information available on the subject.

(Signed) THOS. BENT, Premier.

Premier's Office, Melbourne, February 12, 1907.

Inclosure 2 in No. 27.

LEGISLATIVE ASSEMBLY.

(Read 1^o August 16, 1906.)

(Brought in by Mr. Best, Sir George Turner, and Mr. Deakin.)

A Bill relating to Election Expenses, Preferential Voting, and Proportional Representation.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as "The Parliamentary Elections Act, 1900," and is divided into Parts as follows :—

Part I.—Election Expenses, sections 2–24.

Part II.—Election of Members to the Legislative Assembly, sections 25–31.

Part III.—Election of Senators, sections 32–33.

PART I.—*Election Expenses.*

2.—(1.) Except as permitted by or in pursuance of this Part of this Act—

(a.) No expense shall be incurred and no payment, advance or deposit shall be made at any time, whether before, during or after the election, except by the candidate or except by some person previously authorized in writing signed by the candidate to incur expense or to pay advance or deposit to a total amount not exceeding that named in the authority ;

No payment for election expenses except by the candidate or agent.

(b.) A statement of the particulars of expenses incurred or payments, advances or deposits made by any person or persons so authorized, together with all the bills and receipts, shall be sent to the candidate within fourteen days after the day on which the candidate or candidates returned are declared elected ;

(c.) Except as aforesaid no payment, advance or deposit shall be made by any person at any time whether before, during or after the election in respect of any expenses incurred or to be incurred, otherwise than by or through the candidate himself ;

46 & 47 Vict., cap. 51, s. 28.

(d.) All money provided by any person other than the candidate in respect of any expenses incurred or to be incurred, whether as gift, loan, advance, deposit or otherwise, shall be paid to or on the order of the candidate and not otherwise.

(2.) A person who directly or indirectly incurs any expenses or makes any payment, advance or deposit in contravention of this section, or who in contravention of this section fails to send in the statement together with all the bills and receipts aforesaid within the time limited, shall be guilty of an illegal practice.

Ibid., s. 28.

3. Notwithstanding anything herein contained, if not otherwise prohibited by law, any person, club, society or association, corporate or unincorporate, may contribute towards the expenses of any candidate incurred or to be incurred. Provided that any such contribution shall be made to the candidate or to some person on his behalf authorized in writing signed by the candidate to receive the same and not otherwise, and provided that such contribution shall not be deemed to authorize any expense incurred or to be incurred or any payment made or to be made in excess of the maximum hereinafter provided.

Persons may contribute towards expenses of candidate.

4. Every payment made in respect of any expenses incurred shall except when less than 20s. be vouched for by a bill stating the particulars and by a receipt.

Payments to be vouched by bill and receipt. Ibid., s. 29.

5.—(1.) No person shall for the purpose of promoting or procuring the election of a candidate at any election be engaged or employed for payment or promise of payment—

Certain employments to be illegal. Ibid., s. 17.

(a.) To act as agent, clerk or messenger except as in the First Schedule to this Act mentioned ; or

First Schedule.

(b.) To act as committeeman or canvasser ; or

(c.) To act or render service in any capacity whatever except for which payment is authorized by the First and Second Schedules to this Act.

Second Schedule.

(2.) If any person is directly or indirectly engaged or employed in contravention of this section either before, during, or after the election, the person engaging or employing him shall be guilty of an illegal practice, and the person so engaged or employed shall also be guilty of an illegal practice.

6.—(1.) Except for any matters mentioned in the First or Second Schedules to this Act no expense shall be incurred and no payment or agreement for payment shall be made either before, during, or after an election for the purpose of promoting or procuring directly or indirectly the election of a candidate in respect of any matter whatever.

Certain expenditure to be illegal. 46 & 47 Vict. cap. 51, s. 17.

"The Electoral Law Amendment Act, 1903 (N.Z.)," ss. 12 and 13.

Periods for sending in claims and payment of election expenses. 46 & 47 Vict., cap. 51, s. 29.

Disputed claims. Ibid., s. 29.

Return and declarations respecting election expenses. 46 & 47 Vict., cap. 51, s. 33. Third Schedule.

Fourth Schedule.

Penalty for neglect to furnish return or for transmitting false return. Ibid., s. 33.

Authorized excuse for non-compliance with provisions as to return and declaration. Ibid., s. 34.

(2.) If any expense is incurred or any payment or agreement for payment is made in contravention of this section, the person who directly or indirectly incurs such expense or makes such payment or agreement for payment shall be guilty of an illegal practice, and any person who is a party to any such agreement incurring such expense or receiving such payment shall also be guilty of an illegal practice.

7. Subject to such exceptions as are permitted by this part of this Act it is hereby declared as follows:—

(1.) Every claim against a candidate or against any agent of the candidate in respect of any expenses incurred which is not sent in to the candidate within the time limited by this Act shall not be paid.

(2.) The time limited by this Act for sending in such claims is fourteen days after the day on which the candidate or candidates returned are declared elected.

(3.) All expenses incurred by or on behalf of a candidate may be paid within the time limited by this Act, but not otherwise.

(4.) The time limited by this Act for the payment of such expenses as aforesaid is twenty-eight days after the day on which the candidate or candidates returned are declared elected.

(5.) Any person who directly or indirectly makes any payment in contravention of the provisions of this section shall be guilty of an illegal practice.

8. (a.) If the candidate in the case of any claim sent in to him within the time limited by this Act disputes it or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim;

(b.) On cause shown to the satisfaction of a Judge of the Supreme Court such Court may, on application by the candidate by order, grant leave to the candidate for the payment of a disputed claim;

(c.) Any sum specified in the order granting such leave may be paid by the candidate, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act;

(d.) Nothing in this section shall be deemed to authorize any expense incurred or any payment made or to be made in excess of the maximum hereinafter provided.

9.—(1.) Within thirty-five days after the day on which the candidate or candidates returned at an election are declared elected, every candidate at that election shall transmit to the Returning Officer a true return (in this Act referred to as "the return") in the form set forth in the Third Schedule to this Act or to the like effect, containing a statement of all payments made by the candidate, together with all the bills and receipts (which bills and receipts are in this part of this Act included in the expression "the return"), and also the other particulars specified in such Schedule.

(2.) The return so transmitted to the Returning Officer shall be accompanied by and annexed to a statutory declaration made by the candidate before a Justice of the Peace in the form set forth in the Fourth Schedule to this Act (which declaration is in this Act referred to as "the declaration.")

(3.) When the candidate is out of the Colony on the day when the poll takes place, the aforesaid return and declaration shall be transmitted by him to the Returning Officer within the said period of thirty-five days or within fourteen days after the candidate's arrival in the Colony whichever period shall last expire.

10. (a.) Any candidate who fails to transmit within the time limited by this Act to the Returning Officer the aforesaid return and declaration, shall forfeit to any person who in an action in the Supreme Court sues for the same 100*l.* for every day thereafter on which he sits or votes in the Assembly until the return and declaration are transmitted;

(b.) If without such authorized excuse as in this Act mentioned, any candidate fails to transmit to the Returning Officer the aforesaid return and declaration within the time limited by this Act, he shall be guilty of an illegal practice;

(c.) If a candidate knowingly makes the said declaration falsely, he shall be punishable for wilful and corrupt perjury, and he shall also be guilty of an illegal practice;

(d.) Where after the date at which the return is transmitted leave is given by a Judge of the Supreme Court for any claim or claims to be paid, the candidate shall within seven days after the payment thereof transmit to the Returning Officer a return of the sums paid in pursuance of such leave accompanied by a copy of the order of the Court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section.

11.—(1.) Where the return and declaration have not been transmitted as required by this Act, or being transmitted contain some error or false statement, then if the candidate applies to a Judge of the Supreme Court and shows that the failure to transmit such return and declaration, or either of them or any part thereof or any error or false statement therein has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his duly authorized agent, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate, the Judge may, after such notice of the application in the province, electoral district, or electorate concerned, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the Judge seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the Judge seems just.

(2.) Where it appears to the Judge that any person being or having been a duly authorized agent has refused or failed to supply such particulars as will enable the candidate to comply with the provisions of this Act as to the return and declaration, the Judge before making an order

allowing the excuse as in this section mentioned shall order such person to attend before the Judge, and on his attendance shall, unless he shows cause to the contrary, order him to deliver a statement of the particulars required to be contained in the return, and to make or deliver the same within such time and in such manner as the Judge may direct, or may order him to be examined with respect to such particulars, and may in default of compliance with any such order order him to pay a fine not exceeding 500*l*.

(3.) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the Judge seem best calculated for carrying into effect the objects of this Part of this Act; and an order allowing an authorized excuse shall relieve the candidate from any liability or consequences under this Act in respect of the matter excused by the order.

12. The Returning Officer for the time being shall keep such return and declaration in his office or at some other convenient place to be appointed by the Chief Secretary for a period of two years after it is received by the Returning Officer, and during that period such return shall at all reasonable times be open to inspection by any person on payment of a fee of 1*s*. At the expiration of such period of two years the Returning Officer may cause the said return and declaration to be destroyed.

Return and declaration to be open for public inspection for two years.
46 & 47 Vict., cap. 51, s. 35.

13.—(1.) The total expenses incurred by and payments made by a candidate shall in no case exceed the sum of 100*l*. Provided and excepted in the case of any province or electoral district the whole or part of which is distant more than 10 miles from the General Post Office, Melbourne, or in any case where the whole Colony is the electorate, the candidate may in addition pay any personal expenses.

Limit of election expenses.
Ibid., s. 8.

(2.) Subject to such exception, no sum shall be paid and no expense shall be incurred by a candidate, whether before, during or after any election in excess of the said sum of 100*l*.

(3.) Every candidate who in any way directly or indirectly knowingly acts in contravention of this section shall be guilty of an illegal practice.

14.—(1.) Any candidate may, for the purpose of addressing public meetings of electors between the time of lodging his nomination and the day of election have the use of any suitable hall or room in any State school, provided that—

Candidates to have free use of State schools for election meetings.
"The Electoral Act, 1893 (N.Z.)," s. 157.

(a.) Three days' notice of the proposed public meeting shall be given in writing to the principal teacher of such State school.

(b.) The use of such hall or room shall be granted in the order of the receipt of the application from the candidates.

(c.) No candidate shall have the use of the same hall or room on more than one occasion, should any other candidate desire to make use of it at the same time, under the provisions of this section.

(d.) The candidate shall have the use of such hall or room free of charge, other than the costs of lighting, and of cleaning after use, and of repairing any injury or damage which may be occasioned to the premises, or to the furniture thereof by the said use; such costs and damages in the event of the candidate and such principal teacher differing about the same, may be recovered upon complaint of such principal teacher before two Justices.

(2.) Where the use of any such hall or room has been obtained under the provisions of this section, if such use is in fact obtained for another purpose, or if such hall or room is in fact used for another purpose, the person who obtained such use or who used or permitted the hall or room to be used for such other purpose shall be guilty of an illegal practice.

15.—(1.) Where a person knowingly provides money for any payment which is contrary to the provisions of this Part of this Act, or for any expenses incurred in excess of the maximum allowed by this Part of this Act, or for replacing any money expended in any such payment or expenses, such person shall be guilty of an illegal practice.

Providing money for illegal practice to be illegal practice.
46 & 47 Vict., cap. 57, s. .

(2.) Any person who aids, abets, counsels, procures or attempts the commission of any illegal practice, shall be deemed guilty of an illegal practice.

16.—(1.) Any person guilty of an illegal practice in reference to any election shall on summary conviction in a Court of Petty Sessions constituted by a Police Magistrate alone be liable to a fine of not less than 20*l*., and not exceeding 100*l*., and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any parliamentary election held for or within the province or electoral district or electorate in which the illegal practice has been committed.

Penalties on conviction for illegal practice.
Ibid., s. 10.

(2.) Any person so convicted of an illegal practice in reference to any election shall also be incapable of being elected to and of sitting in the Legislative Council or Legislative Assembly for any province, district, or electorate for a period of three years after the date of his conviction, and if at the date of his conviction he have been elected to the Legislative Council or Legislative Assembly, his election shall be void from the time of such conviction.

Ibid., s. 6.

17. The Returning Officer for the province, electoral district, or electorate in which the election was held, or any elector or any constable may prosecute or take proceedings against any person alleged to be guilty of an illegal practice under this Part of this Act. The person prosecuting shall on such conviction be entitled to one-half the fine imposed and to his costs and charges, to be paid by the defendant, and to be ascertained and assessed by the Police Magistrate before whom the case is heard.

Who may prosecute.

18.—(1.) All prosecutions or proceedings in a Court of Petty Sessions under this Part of this Act in respect of an illegal practice alleged to have been committed, shall, except as in this Act otherwise provided, be prosecuted in manner provided by "The Justices Act, 1890," and any Acts amending the same the provisions of which shall apply as nearly as practicable.

Prosecution in Court of Petty Sessions and appeal to General Sessions.
Ibid., s. 54.

(2.) Any person aggrieved by any conviction, adjudication, refusal to adjudicate, or order of any kind of a Court of Petty Sessions in respect of an illegal practice alleged to have been committed, may appeal from such conviction, adjudication, refusal to adjudicate, or order to the next practicable Court of General Sessions or to the Supreme Court by way of order to review in manner provided by "The Justices Act, 1890," and any Acts amending the same provisions of which shall apply as nearly as practicable.

19.—(1.) On any such prosecution or proceedings as aforesaid, it shall be sufficient to allege that the person charged was guilty of an illegal practice within the meaning of this Part of this Act.

(2.) A certificate purporting to be signed by the Returning Officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

20. Any prosecution or proceedings against a person in respect of an illegal practice under this Part of this Act shall be commenced within one year after the offence was committed.

21. Where upon the trial of an election petition respecting an election for a province, electoral district, or electorate, and election committee declares or reports that any illegal practice has been proved to have been committed in reference to such election, by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the Legislative Council for the said province, or in the Legislative Assembly for the said electoral district or for the said electorate during the period of five years from the day of declaration of the election, and if he have been elected, his election shall be void, and he shall further be subject to the same incapacities as if at the date of the report of the said election Committee he had been convicted of an illegal practice.

22. In section 297 of "The Constitution Act Amendment Act, 1890," and immediately preceding the word "bribery," the words "illegal practice" shall be inserted; and in section 300 of the said Act immediately following the word "disqualified" the words "or guilty of an illegal practice" shall be inserted; and in section 301 of the said Act immediately following the words "such return" the words "or complaining of any illegal practices," shall be inserted; and in section 302 of the said Act immediately preceding the word "bribery" the words "illegal practice" shall be inserted.

23. The provisions of this Part of this Act shall apply to all elections of members for any province to the Legislative Council or for any electoral district to the Legislative Assembly.

24. In this Part of this Act unless the context otherwise requires—

The terms "payment," "advance," "deposit," "expense," "sum," "claim," are used on account of or in connection with or incidental to the conduct or management of the election.

"Candidate" shall mean any person who is nominated as a candidate at such election, or is declared by himself or with his assent given before or afterwards, is declared by others to be a candidate on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued.

"Personal expenses" shall mean the necessary travelling expenses of the candidate, and the necessary expenses of his living at hotels or elsewhere for the purpose of or in relation to such election.

"Election" shall mean the election of a member or members to serve in the Legislative Council or the Legislative Assembly.

"Election petition" shall mean a petition presented to the President of the Legislative Council or to the Speaker of the Legislative Assembly in pursuance of "The Constitution Act Amendment Act, 1890," Part VI, and any Acts amending the same.

"Election Committee" shall mean a Committee appointed as provided in "The Constitution Act Amendment Act, 1890," Part VI, and any Acts amending the same.

"Elector" shall mean any person whose name is for the time being on a printed electoral roll purporting to contain the names of persons entitled to vote at the election, with reference to which the expression is used, and also any person to whom a voter's certificate was granted under the provisions of "The Constitution Act Amendment Act, 1898," within two months prior to the date of the said election.

"Person" includes an association or body of persons corporate or incorporate, and when any act is done by any such association or body the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this part of this Act.

"Payment" includes any pecuniary or other reward; and the expressions "pecuniary reward" and "money" shall be deemed to include any office, place, pay, or employment, and any valuable security or other equivalent for money, and any valuable consideration and expressions referring to money shall be construed accordingly.

Short description of offence.
46 & 47 Vict.,
cap. 51, s. 53.

Certificate of
Returning Officer
conclusive in
certain matter.

Limitation of time
for prosecution.
Ibid., s. 51.

Punishment of
candidate found
guilty on petition
of illegal practice.
Ibid., s. 4.

Consequential
amendments.

Application of
this part of the
Act.

Interpretation.

46 & 47 Vict.,
c. 51, s. 63.

Ibid., s. 64.

Ibid.

bid.

PART II.—*Election of Members of the Legislative Assembly.*

25. This part of this Act shall come into operation on the 31st day of December, 1900.

Commencement of Act.

Where one Member is to be elected and there are only two Candidates.

26. Where one member is to be elected and there are only two candidates an elector may vote by inserting in the ballot-paper opposite to the name of the candidate for whom he intends to vote the figure 1, or by striking out the name of the candidate for whom he does not intend to vote. Method of voting.

27. In such cases the Returning Officer shall count the ballot-papers cast for the candidates rejecting all informal ballot-papers; and the candidate who has an absolute majority of the ballot-papers shall be declared elected, and if the same number of ballot-papers is cast for each candidate the Returning Officer shall give a casting vote. Method of counting votes. Returning Officer to have casting vote.

Where one Member is to be elected and there are more than two Candidates.

28. Where one member is to be elected and there are more than two candidates, an elector may vote in the alternative for as many candidates as he pleases, by inserting in the ballot-paper opposite to the names of the candidates for whom he wishes to vote the figures 1, 2, 3, and so on, in the order of his preference. Method of voting.

29. In such case the Returning Officers shall deal with the ballot-papers as follows :—

Method of counting votes.

(1.) He shall arrange the ballot-papers under the names of the respective candidates by placing in a separate parcel all those which have the figure 1 set opposite to the name of the same candidate, rejecting all informal ballot-papers. Ballot-papers to be sorted according to first votes.

(2.) If any candidate has an absolute majority of the ballot-papers he shall be declared elected.

(3.) If no candidate has an absolute majority of the ballot-papers the candidate who has the lowest number of ballot-papers shall be excluded from the poll and his parcel broken up, and all the ballot-papers therein shall be transferred to the other candidates, if any, respectively next in the order of the voter's preference, and any candidate who after such transfer has an absolute majority of all the ballot-papers in all the parcels shall be declared elected. Method of exclusion.

(4.) The same process of excluding the candidate who has the lowest number of ballot-papers, breaking up his parcel and transferring to other candidates the ballot-papers therein shall be repeated until some candidate has an absolute majority of all the ballot-papers in all the parcels, when the candidate who has such absolute majority shall be declared elected. Exclude as often as may be necessary.

(5.) Where at any time it becomes necessary to exclude a candidate as hereinbefore directed and two or more candidates have the same number of ballot-papers and are lowest on the poll, then whichever of such candidates had the least number of ballot-papers at the last count or transfer at which they had not the same number of ballot-papers shall be excluded, and if such candidates have had the same number of ballot-papers at all preceding counts or transfers, the returning officer shall decide which candidate shall be excluded. If lowest candidates equal, last difference to decide.

(6.) Where on any transfer it is found that on any ballot-paper the names of all the unexcluded candidates are struck out such ballot-paper shall be set aside as "exhausted." Exhaust votes.

Where more than one Member is to be elected and the number of Candidates exceeds the number of Members to be elected.

30. Where more than one member is to be elected and the number of candidates exceeds the number of members to be elected the places shall be filled separately, but for this purpose only one set of ballot-papers shall be used. The ballot-papers shall be numbered by the voters and the Returning Officer shall proceed in the manner hereinbefore provided for the election of one member. As each place is filled the name of the successful candidate on each ballot-paper shall be deemed to be cancelled, and the names which remain to be renumbered with the figures 1, 2, 3, and so on according to the order in which they stand in the voter's order of preference. Method of voting. Method of dealing with the votes.

31. In this part of this Act unless the context otherwise requires—

Interpretation.

"Member" shall mean a member of the Legislative Assembly.

PART III.—*Election of Senators.*

32. Where any Senator or Senators are to be elected, and the number of candidates exceeds the number of Senators to be elected, they shall be elected on the principle of proportional representation, by the method of preferential voting, and in accordance with the Rules set out in the Fifth Schedule to this Act. Quota representation and preferential voting. Schedule V.

Governor in Council to have power to make regulations.

33. The Governor in Council shall have full power to make Regulations for the carrying into effect of the rules set out in the said Schedule.

Note.—The central principle of the system known as proportional representation is the principle of the quota, that is, in order to secure election a candidate must obtain the support of a quota of voters. Hence, under this system, the share of each great political party in the representation is proportional to the number of votes polled in its favour. So many quotas, so many Senators. As it is not possible for a minority to poll a majority of quotas, a minority cannot return a majority of Senators.

The use of the quota is made possible by means of the auxiliary principle of the single transferable vote. It is "single" because each elector has one and only one vote. It is "transferable" because it is not wasted by being given to a candidate who is elected without it, or to a candidate who cannot be elected with it. In either of these events the elector on his ballot-paper directs the Returning Officer to transfer his vote to his second choice. If this candidate also does not require the vote, to voter's third choice, and so on. Hence the rules for transfer of surplus, and for transfer of votes of excluded candidates (the latter being the principle of the exhaustive ballot, and the former its complement).

The method of preferential voting—by which the elector records his preferences in order—is the means by which the elector makes his vote transferable. Preferential voting is the means. Proportional representation the end.

SCHEDULES.

FIRST SCHEDULE.

Persons legally employed for Payment.

46 & 47 Vict.,
cap. 51,
Schedule.

1. One election agent or secretary, and no more.
2. One scrutineer for each ballot-box in each polling-place, and no more.
3. A number of clerks and messengers for conducting business in the Committee rooms not exceeding one clerk and one messenger for each polling-place.

SECOND SCHEDULE.

Legal Expenses.

Ibid., Schedule.

1. The personal expenses of the candidate.
2. The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.
3. The expenses of stationery, postage, and telegrams.
4. The necessary expenses of holding public meetings.
5. The expenses of a number of committee rooms, not exceeding one committee room for each polling-place.
6. The purchase of rolls.
7. Expenses in respect of miscellaneous matters not exceeding 25*l.*, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offence under this or any other Act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other Act.

THIRD SCHEDULE.

Return of Expenses.

46 and 47 Vict.,
Schedule.

I, *A.B.*, a candidate at the election for the (province electoral district or electorate) of _____, held on the _____ day of _____, hereby make the following return respecting my election expenses at the said election:—

1. *Receipts.*

[Here set out the name and description of every person, club, society, or association from whom or which any money, securities, or equivalent of money was received by the candidate or by any other person on his behalf in respect of expenses incurred on account of or in connection with or incidental to the above election, and the amount received from each person, club, society, or association separately.]

2. Expenditure.

[The name and description of every person to whom any sum was paid, the amount paid in each case, the nature of the goods supplied, or the work and labour done by each, or other reason for which it was paid to him, must be here set out separately and all bills and receipts must be annexed. Sums paid for printing, advertising, stationery, postage, telegrams, hire of rooms for holding public meetings, hire of rooms for committee rooms, &c., must be set out separately, and under separate headings. If the electoral district or any part of it is distant more than 10 miles from the General Post Office, Melbourne, or where the whole Colony is the electorate, or in any case, sums paid to meet the candidate's own personal expenses must be set out separately and in detail.]

In addition to the above, I am aware of the following disputed claims:—

[Here set out the name and description of every person whose claim is disputed, the amount of the claim, and the goods, work and labour, or other matter on the ground of which the claim is based.]

3. Authorized Agents.

[Here set out the name and description of every person who was authorized by the candidate to incur any expense or to make any payments, advances, or deposits on his behalf, and the amount authorized in each case. The actual expenses incurred and the actual amount paid, advanced, or deposited by each person must in each case also be set out.]

FOURTH SCHEDULE.

Form of Declaration by a Candidate.

I, A.B., having been a candidate at the election for the (province, electoral district or electorate) of _____ on the _____ day of _____, do hereby solemnly and sincerely declare that I have examined the return of election expenses hereunto annexed about to be transmitted by me to the Returning Officer at the said election, which is now shown to me and marked _____, and to the best of my knowledge and belief that return is in every particular true and correct: 46 & 47 Vict.,
cap. 51.
Schedule.

And I further solemnly and sincerely declare that, except as set out in that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association, has, on my behalf, made any payment, advance, or deposit, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I have paid the sum of _____ l. and no more for the purpose of the said election (in the case of a province an electoral district or electorate the whole or part of which is distant more than 10 miles from the General Post-office, Melbourne, add—"Together with the further sum of _____, being my personal expenses actually paid"), and this sum includes (or these sums include) all expenses incurred or payments made directly or indirectly by any person or persons whomsoever by my authority or with my knowledge or consent, and also includes all expenses incurred or payments made on account of or in connection with or incidental to the above election:

And I further solemnly and sincerely declare that the said sum (or sums) of _____ l. so paid includes the expenditure of the sum of _____ l. being the whole or part of the amount received by way of money securities or equivalents of money by me or by any other person on my behalf on account of or in connection with or incidental to the said election [if no such contribution omit this clause] and also out of my own moneys a further sum of _____ l. making in all the said sum (or sums) of _____ l. (and _____ l.):

And I further solemnly and sincerely declare that except as set out in the said return no person was authorized by me directly or indirectly to make payments or incur expenses on my behalf on account of or in respect of the conduct and management of the said election, and that all payments made by the said persons in pursuance of the said authority and set out in the said return are included in the said sums of _____ l. and _____ l.:

And I further solemnly and sincerely declare that except as set out in the said return no money security or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by any one to or in the hands of myself or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election:

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

A.B.

(Signature of Candidate.)

Declared at _____ in the _____ Bailiwick this _____ day of _____
 Before me, _____,
*a Justice of the Peace in
 and for the _____ Bailiwick.*

FIFTH SCHEDULE.

Method of Voting.

Duty of the voter.

1. Where one or more Senators are to be elected and the number of candidates exceeds the number of Senators to be elected, each elector shall have only one vote, and may vote for one candidate only. Each elector may vote in the alternative for as many candidates as he pleases by inserting in the ballot-paper opposite the names of the candidates for whom he wishes to vote the figures 1, 2, 3, and so on, in the order of his preference.

Note.—As each elector may vote for only one candidate the system in this respect resembles that which would exist if this Colony were divided into six single electorates. In that case an elector could vote for one candidate only. So also in the case of the House of Representatives where twenty-three Members are to be elected, an elector may vote for but one candidate.

In marking the candidates 1, 2, 3, &c., the elector directs the Returning Officer to give the vote to the candidate marked 1; and goes on further to state that if his vote is not required for that candidate (either because he has a surplus or because he has been excluded) it is to be given to the candidate marked 2; and if this candidate does not require it it is to be given to the candidate marked 3, and so on. Hence it is an alternative not a cumulative vote.

Method of Dealing with the Votes.

2. The Returning Officer shall deal with the ballot-papers as follows:—

Duty of the
Returning Officer.

(1.) He shall arrange the ballot-papers under the names of the respective candidates by placing in a separate parcel all those which have the figure 1 set opposite to the name of the same candidate, rejecting all informal ballot-papers.

Ballot-papers
to be sorted
according to
first vote.

Note.—The Returning Officer at the first count is to count the first votes only and ignore the second and other preferences.

To find the quota.

(2.) He shall count the number of ballot-papers in each parcel and shall divide the aggregate number of all the ballot-papers by one more than the number of Senators to be elected and the quotient increased by one disregarding any remainder shall be the quota.

Note.—If 1,000 votes are polled and one Senator is to be elected the quota is 501. If three Senators are to be elected the quota is 251. If six Senators are to be elected the quota is 143.

The quota is but an application of the principle of the absolute majority. This is obvious in the case of a single seat where the quota and the absolute majority are identical.

An erroneous rule is sometimes given—to divide by the number of candidates to be elected. Thus, to win in a contest for a single seat, the candidate must poll a unanimous vote or be elected on less than the quota. The latter is a vicious principle, the former is an absurd one. Again, if there are two seats, and 1,000 votes polled, a candidate in order to win must poll 500 votes, whereas it is by general consent accepted that 501 are sufficient when only one seat is being contested.

But even where the erroneous quota is adopted a candidate who polls the true quota is certain of election, and necessarily so. If there is one seat, two candidates cannot poll the true quota; if there are two seats and two candidates poll the true quota, there are not sufficient votes to make a third quota. If there are three seats, there cannot be four true quotas, and so on.

But the converse proposition is not true. Where the erroneous quota is adopted, every candidate who is elected does not poll the true or any quota. "Exhausted" votes occur, and if there be only one exhaust vote, the full number of quotas cannot be obtained. Thus, in Tasmania, where the erroneous quota is adopted, at the recent elections—indeed, at all held under the system—candidates were returned who polled considerably less than the quota.

Since a candidate who polls the true quota must be elected in any case, to require him to poll the erroneous quota is to insist upon a waste of votes to the extent of the difference between the two quotas. In this way votes which should have been transferred to another candidate are needlessly lost, and thus a candidate who would have polled the true quota is unwarrantably excluded for want of these votes, and the wrong candidate is returned. One political party gets a representative in excess of its share, with the result that the representation is not proportional to the relative strength of parties.

The quota is a unanimous and voluntary electorate based upon community of interest. It is not an arbitrary grouping of electors who often have nothing in common. The quota carries out the principle of equal electorates, and the elected candidate represents not merely an absolute majority, but nearly twice that number.

(3.) Any candidate who has a number of ballot-papers equal to or greater than the quota shall be declared elected.

Candidates who have quota to be declared elected.

Note.—Where there are three seats, 1,000 votes, and the quota 251, if candidate A polls 251 votes and candidate B polls 320 votes they are both declared elected.

(4.) Where the number of ballot-papers cast for any candidate is equal to the quota the whole of such ballot-papers shall be set aside as finally dealt with except as hereinafter provided in Rule 3 of this Schedule.

When first votes exactly equal, the quota to be set aside.

Note.—Where as in the preceding example candidate A obtains the exact quota—251 votes—he is declared elected. The voluntary constituency of 251 electors take no further part in the election; they are fully represented. They have no more right to interfere in the election of the two other members than have electors after voting in one electorate to interfere in other electorates.

If twenty votes are polled in excess of the quota, the surplus equal to twenty is transferred. If ten in excess are polled a surplus equal to ten is transferred. If the excess is one a surplus equal to one is transferred. If there is no excess, no surplus is transferred.

(5.)—(a.) Where the number of ballot-papers cast for any candidate is in excess of the quota, all such ballot-papers shall be transferred, each ballot-paper to the candidate, if any, next in the order of the voter's preference.

If a surplus, all the votes to be distributed.

Note.—In the preceding example, if candidate B obtains 320 votes all the 320 ballot-papers are distributed, each ballot-paper to the candidate marked 2 thereon.

(b.) The parcel of the elected candidate shall in this way be broken up into a number of sub-parcels, in each of which all the ballot-papers have the figure 2 set opposite to the name of the same candidate. These sub-parcels shall be transferred to the respective candidates.

Parcel of elected candidate to be divided into sub-parcels.

Note.—In the preceding example where on 24 of B's papers C is marked 2 these 24 should be made into a sub-parcel and transferred to C; if on 8 of B's papers D is marked 2 these 8 papers are also made into a sub-parcel and transferred to D.

(c.) The vote value of any such sub-parcel of ballot-papers on transfer to any candidate shall bear the same ratio to the vote value of the surplus as the number of ballot-papers in such sub-parcel bears to the number of ballot-papers in the parcel of the elected candidate.

Vote value of all sub-parcels on transfer to equal value of surplus.

Note.—If B is marked 2 on one-half of A's papers B receives one-half of A's surplus, e.g., where the quota is 100 and candidate A polls 150 first votes thus giving him a surplus of 50, if B is marked 2 on one-half or 75 of A's papers, then B will receive one-half or 25 of the surplus, or more strictly he will receive a sub-parcel of 75 papers valued at one-half of the surplus. Similarly, if C be marked 2 on one-fifth or 30 of A's papers, he will receive one-fifth or 10 of the surplus.

The vote value of such sub-parcel of 75 papers shall bear the same ratio to the vote value of the surplus of 50 papers, as the 75 papers in the sub-parcel bear to the 150 papers in the parcel.

If the vote value of all the second preferences, say 150 in all the sub-parcels is equal to the surplus, say 50, then to find the vote value of any one sub-parcel, say 75—multiply 50 by 75 and divide the product by 150.

Rule.—To find the vote value of a sub-parcel on transfer from a candidate elected on the first count—

Multiply the surplus by the number of papers in the sub-parcel and divide the product by the number of papers in the parcel of the elected candidate.

(d.) The various sub-parcels which pass in this way, or in any other way, to a candidate shall be kept distinct from one another.

Sub-parcels to be kept distinct.

(6.)—(a.) Where on the first count or on any transfer of ballot-papers, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus is to be dealt with, and so on.

If more than one surplus the largest first dealt with.

Note.—Where the quota is 100, and A polls 150 votes, and D polls 120 votes, A's papers are to be distributed. If this distribution raises C's total above that of B, C's papers are to be distributed before those of B.

If surpluses equal the last difference to decide.

(b.) Where two or more of such surpluses are equal, the parcel of that candidate who had the greatest value of votes at the count or transfer at which they last had an unequal value of votes shall be first transferred; and if such candidates have been equal in vote value at all preceding counts or transfers the Returning Officer shall decide which parcel shall be first transferred.

Sub-parcel which creates a surplus distributed.

(7.)—(a.) Where a candidate is raised up to or above the quota by the receipt of a sub-parcel he shall thereupon be declared elected, and no further sub-parcel shall be transferred to him. Where a candidate is raised above the quota by the receipt of a sub-parcel all the ballot-papers in such sub-parcel shall be transferred and no others.

Note.—The latter part of this sub-rule is a rule of convenience. The object is to avoid all unnecessary handling and rehandling of large masses of ballot-papers.

Sub-parcel which on transfer creates a surplus sub-divided into packets.

(b.) Such sub-parcel shall be broken up into a number of smaller sub-parcels or packets, in each of which all the ballot-papers have the same candidate marked next in the order of the voter's preference. These packets shall be transferred to the respective candidates.

Vote value of all packets on transfer to equal value of surplus.

(c.) The vote value of any such packet of ballot-papers on transfer to any candidate shall bear the same ratio to the vote value of the surplus as the number of ballot-papers in such packet bears to the number of ballot-papers in the sub-parcel.

Note.—If C is marked 3 on one-third of the A1B2 preferences, C is to receive one-third of B's surplus. If D is marked 3 on one-half of the A1B2 preferences, D is to receive one-half of B's surplus. *E.g.*, where the quota is 100 and candidate A polls 200 first votes and B polls 70 first votes; if a sub-parcel of 90 second preferences is transferred from A to B at a vote value of 45, this will give B a surplus of 15 votes. If C is marked 3 on one-third, or 30 of the 90 papers transferred to B, C will receive one-third of B's surplus, that is 5.

The vote value of a packet of 30 third preferences shall bear the same ratio to the vote value of the surplus of 15 as the 30 papers in the packet bear to the 90 papers in the sub-parcel.

If the vote value of all the third preferences, say 90, in all the packets is equal to the surplus, say 15, then to find the vote value of any one packet, say 30, multiply 15 by 30 and divide the product by 90.

Rule.—To find the vote value of a packet on transfer from a sub-parcel which produced a surplus.

Multiply the surplus by the number of papers in the packet, and divide the product by the number of papers in the sub-parcel which produced the surplus.

Method of exclusion.

(8.)—(a.) Where on the first count or after all surpluses have been dealt with as hereinbefore in this Schedule directed, no candidate or less than the number of candidates to be elected have obtained the quota the candidate who is lowest on the poll shall be excluded, and all the ballot-papers in the parcel of such excluded candidate shall be transferred.

Sub-parcels of excluded candidate to be broken up in the order in which they came to him.

(b.) All the sub-parcels of such excluded candidate shall be broken up one after another in the order in which they came to him into smaller sub-parcels or packets. These packets shall be transferred to the respective candidates, if any, next in the order of the voter's preference.

Vote value of packet to be proportionate to number of papers in packet.

(c.) The vote value of any such packet of ballot-papers on transfer shall bear the same ratio to the vote value of the sub-parcel of ballot-papers as the number of ballot-papers in such packet bears to the number of ballot-papers in the sub-parcel.

Note.—If P is marked 3 on half the papers in the sub-parcel, P receives half the vote value of the sub-parcel. *E.g.*, where there are 20 papers in the sub-parcel, the vote value of which is 10, if 6 of the 20 papers have the name of P next in order of preference the vote value of the packet of 6 is 3.

If the vote value of all the third preferences, say 20, in all the packets is the vote value of the sub-parcel, say 10, then to find the vote value of any one packet, say 6—multiply 10 by 6 and divide the product by 20.

Rule.—To find the vote value of a packet on transfer from a sub-parcel of an excluded candidate—

Multiply the vote value of the sub-parcel by the number of papers in the packet and divide the product by the number of papers in the sub-parcel.

If transferred packet produces surplus distribute packet only.

(9.) Where the receipt of any such packet raises any candidate up to or above the quota, that candidate shall be declared elected, and no further sub-parcel shall be transferred to him. Any surplus thereby produced shall be dealt with as hereinbefore directed in sub-rule (7) (c) of this rule. Provided that such surplus shall not be dealt with until all the ballot-papers in the whole parcel of the excluded candidate have been transferred.

Where any surplus exists it shall be dealt with before any further exclusion takes place.

Exclude as often as may be necessary.

(10.) The same process of excluding the candidate lowest on the poll, and transferring to other candidates the ballot-papers previously counted for the excluded candidate shall be repeated until candidates to the number to be elected have respectively obtained the quota or until the number of unexcluded candidates have been reduced to the number to be elected.

(11.) Where at any time it becomes necessary to exclude a candidate, as hereinbefore directed, and two or more candidates have the same value of votes and are lowest on the poll; then whichever of such candidates had the least value of votes at the last count or transfer at which they had an equal value of votes shall be excluded; and if such candidates have been equal in vote value at all preceding counts or transfers the Returning Officer shall decide which candidate shall be excluded.

If lowest candidates equals last difference to decide.

General.

3. Where the number of candidates has been reduced to the number to be elected, and it is found that less than the number to be elected have obtained the quota, any vacant places shall be filled separately. Before he proceeds to fill each such place the Returning Officer shall refer to all the ballot papers rejecting any upon which the names of all the unelected candidates are struck out. The names of the already elected candidates shall be deemed to be cancelled on all such ballot-papers, and the names which remain to be renumbered with the figures 1, 2, 3, and so on, according to the order in which they stand in the voter's order of preference.

No Senator to be elected on less than the quota.

Supplementary process.

If requisite number of quotas not polled absolute majority to decide.

The ballot-papers shall be arranged in separate parcels according to the first preferences. If any candidate has an absolute majority of first preferences he shall be declared elected. If no candidate has such absolute majority, the process of excluding the candidate lowest on the poll, breaking up his parcel and transferring his ballot-papers each to the candidate next in order of preference shall be applied and repeated until one candidate has an absolute majority of all the ballot-papers in all the parcels when such candidate shall be declared elected.

Note.—This supplementary process would only be used in the rare case where nearly a full quota of ballot-papers have become exhausted owing to the names of candidates being struck out. In that event where, for instance, five only out of six Senators have obtained full quotas, the sixth place is filled as if it had become vacant by death, resignation, or otherwise. In any of the latter cases a by-election would be held. But the trouble, time, and expense of this are avoided by referring to all the ballot-papers. Any ballot-paper on which the names of all the unelected candidates are struck out is set aside. The unelected candidates are all deemed candidates for the vacant place. An occasion for the use of this supplementary process may never arise, and it is here included to make the system theoretically complete and to provide for all contingencies.

4. Where on any transfer it is found that on any ballot-paper the names of all the unelected and unexcluded candidates are struck out such ballot-paper shall be set aside as "exhausted."

Exhaust votes.

5.—(1.) Where on a ballot-paper no names are numbered, and some names are struck out, the names which are not struck out shall all be deemed to have the number one set opposite to them.

Candidates not numbered equal for first or next preference.

(2.) Where on a ballot-paper some of the names of the candidates are numbered and the names of others are not numbered or struck out, the names which are not numbered or struck out shall be deemed to be numbered with the next highest and the same number.

Note.—If an elector strikes out the names of one or more candidates he is to be deemed to have no preference for, and his vote is in no circumstances to be counted for such candidate or candidates. If he merely leaves names of candidates unnumbered they are to be deemed equal *inter se* in the order of his preference and as being subsequent in the order of his preference in respect of any candidate whose name he has numbered.

6. No ballot-paper shall be rejected as informal because of the mere fact that some names are struck out, or that some names have no numbers set opposite to them, or that no names are numbered, and some names struck out, or that the same number is set opposite to the names of two or more but less than the whole number of candidates, or in any case where the voter has indicated in any way on such ballot-paper an unmistakable preference for one or more candidates.

Freedom of voter from unnecessary restrictions.

Note.—The elector has the option of numbering as many candidates as he pleases, one only, or all, or any intermediate number. If he numbers one candidate only, that candidate may be excluded at an early stage. The vote may be used for no other candidate, and in that event is lost.

The elector may number all the candidates for whom he has a preference of any kind. He may leave unnumbered those to whose election he is indifferent if those whom he supports are not elected, and he may strike out those whom he dislikes. In no circumstances can his vote count for candidates he has struck out.

7. Any ballot-paper shall be deemed informal on which—

How ballot-papers become informal.

(a.) All the names are struck out; or

(b.) No names are numbered or struck out; or

(c.) The same number has been set opposite to all the names,

and on which there is no other unmistakable indication of the voter's preference for one at least of the candidates.

Note.—In the block system, as used in the Convention election, not only may a vote become invalid by (a) all the names being struck out; and (b) no names being struck out, but also by striking out too many or too few candidates. Many voters had to examine their ballot-papers again and again to make quite sure they had not voted informally. A mistake, easily made, made the whole paper invalid. In the preferential system it is next to impossible to make the vote informal.

Fraction in excess
to be rejected.

8. In reckoning the vote value of a sub-paragraph or packet transferred to a candidate, any fraction of a vote in the result which is in excess of a whole number shall be disregarded.

Note.—At Senate elections where the quota will probably be about 27,000, a fraction of a vote may be regarded as a negligible quantity. But where the quota is, say, 100 or less, even a fraction of a vote may be of importance.

If, instead of rejecting fractions, the nearest whole number were taken, the result would be that a number of votes might in this way be created, and at the end of the election it might be found, that, say, seven candidates instead of six had obtained the quota.

9. For the purposes of this Schedule in determining if any or what candidate is next in the order of the voter's preference any candidate who has in pursuance of this Schedule been declared elected or excluded shall not be considered; and the order of the voter's preference shall be determined as if the names of such candidates had not been on the ballot-papers.

Brackets.

10.—(a.) Where on the first count or on any transfer of ballot-papers it is found that any ballot-paper has two or more candidates indicated thereon as being equal *inter se* in the order of the voter's preference, and as being of prior preference to any other unelected candidate all such ballot-papers, if found on the first count, shall be formed into one parcel hereinafter called the "bracket parcel"; or if found on any such transfer shall be formed into a sub-paragraph or packet, as the case may be, and transferred to the bracket parcel.

(b.) The vote value of any such sub-paragraph or packet on transfer to the bracket parcel shall be found in the same way as in the case of transfer to a candidate.

(c.) Every such ballot-paper shall remain in the bracket parcel until it has become "definite" by all but one of the candidates indicated thereon as equal in the order of the voter's preference and of prior preference to any other unelected candidate having been elected or excluded when the names of such elected and excluded candidates shall be deemed to be cancelled on such ballot-paper.

(d.) The Returning Officer shall before each and every exclusion deal with the bracket parcel in the manner provided for dealing with the parcel of an excluded candidate transferring to the respective candidates all ballot-papers which have become definite and transferring to a new bracket parcel all which have not become definite.

Note.—The principle of the bracket is introduced to meet a genuine difficulty which has been felt by persons voting at elections conducted on the preferential system in Victorian institutions. In many cases two or more candidates are equally acceptable to a voter. When he is not allowed to bracket he is compelled to express a preference which he does not feel.

The voter in bracketing candidates thereby says that it is to him a matter of indifference for which of such bracketed candidates his vote is counted. Accordingly, if, say he has bracketed three candidates for his first preference, his ballot-paper is set aside until the fate of two of them is settled by election or exclusion when his vote becomes definite and is counted for the remaining candidate.

Final distribution
of brackets.

11. Where the number of candidates has been reduced to the number to be elected, and it is found that less than the number to be elected have obtained the quota or the absolute majority required in section 3—

(a.) Each sub-paragraph in the bracket parcel shall be broken up into packets in each of which all the ballot-papers have the same candidate marked next in the order of the voter's preference or have the same two or more candidates marked next and as being equal *inter se* in the order of the voter's preference.

(b.) The vote value of each such packet shall be found in the way hereinbefore directed in the case of transfer from an excluded candidate.

(c.) The vote value of each such packet shall be transferred to the candidate next in the order of the voter's preference, or if there be two or more such candidates, then in equal shares to such candidates.

Interpretation.

12. In this Schedule, unless the context otherwise requires—

The term "sub-paragraph" shall include packet, the aggregate of first preferences of a candidate not elected at the first count, and the aggregate of first preferences for which two or more candidates are bracketed equal.

The terms "figure 1," "figure 2," "figure 3," &c., are used to denote the voter's first, second, third, &c., preferences respectively, however so indicated on his ballot-paper.

The term "vote value" used of a sub-paragraph, packet, or surplus shall mean the number of ballot-papers or votes as which such sub-paragraph, packet, or surplus is counted.

Duties of Deputy
Returning Officer.

Note.—Immediately upon the close of a poll taken for the election of a Senator or Senators the Deputy Returning Officer presiding at a polling-booth will probably receive

instructions to, as soon as practicable after the close of the poll, and in the presence of such of the scrutineers as choose to be present, open the ballot-boxes and deal with the ballot-papers as follows :—

- (1.) First arrange the ballot-papers under the names of the respective candidates by placing in a separate parcel all those which have the figure 1 set opposite to the name of the same candidate, rejecting all informal ballot-papers. Ballot papers to be sorted according to first votes.
- (2.) Place in another parcel all the ballot-papers which have the figure 1 set opposite to the names of two or more candidates. Brackets.

The Deputy Returning Officer will doubtless transmit by telegram, or in some other expeditious way, the following information to the Returning Officer in Melbourne :—

- (a.) The number of first votes recorded for each candidate ;
- (b.) The total number of ballot-papers in which candidates are bracketed equal for the first preference.

The Returning Officer will thus be enabled on the night of the election to announce the first votes polled by each of the candidates so far as they have come to hand, and also the number of ballot-papers in which candidates are bracketed equal for the first preference. By this means the quota may be roughly estimated, and knowing the first votes to hand for the individual candidates, the final results as regards parties would be fairly obvious to all observers, although the final results as regards individual candidates might not be so obvious.

- (3.) Seal such parcels in the presence of such scrutineers as choose to be present, and transmit the same to the Returning Officer. Dealing with ballot-papers on close of election.

The Returning Officer, in the presence of such of the scrutineers as choose to be present, will open the parcels so transmitted to him, verify their contents, and deal with the ballot-papers therein as hereinbefore in this Schedule directed. Returning Officer to verify contents of parcels.

An example of the method of applying the foregoing rules is, by way of illustration, set out in the Appendix hereto.

APPENDIX.

Example of an Election when there is more than one Senator to be elected.

Let us suppose that there are five Senators to be elected, and that there are eight candidates. There are two parties, the Red Rose and the White Rose, the former running five candidates and polling 365 votes ; the latter three, and polling 230 votes. The number of valid votes polled is 595.

In accordance with the directions contained in the Schedule, the Returning Officer will sort out the ballot-papers according to the first preferences into separate parcels, one parcel for each candidate.

To readily grasp the following analysis the reader should refer to the Table at the foot of the Appendix.

First Count.

He will next count the number of ballot-papers in each parcel, and then divide the total number of the ballot-papers (595) by the number of seats (5), plus one, and the quotient (99), plus one, ignoring the remainder, will be the quota (100). P is found to have polled the quota, and A in excess of the quota. A and P are declared elected.

Second Count.

As P has polled exactly the quota there is no surplus to transfer, and therefore all his papers (100) are set aside, and take no further part in the election.

A's surplus is to be distributed among the unelected candidates in proportion to the number of second preferences of each in A's whole parcel.

A has a parcel of 160 first votes or ballot-papers. These are now divided into sub-parcels, according to the second preferences. It is found that B, D, and E, members of his own party, are marked 2 on 80, 32, and 48 respectively. A's surplus of 60 is to be distributed among B, D, E, in proportion to the numbers 80, 32, 48.

The shares of B, D, and E in the surplus are 30, 12, and 18 respectively.

B's share is found as follows :—Multiply the surplus (60) by the number of A's papers on which B is marked 2 (80), and divide the product (4,800) by the number of A's papers (160). This gives as a quotient 30.

Applying the same rule to the cases of D and E, their respective shares are found to be 12 and 18.

The whole of A's papers are now transferred to B, D, and E, in three sub-parcels, containing 80, 32, and 48 papers respectively, but on transfer these sub-parcels are respectively counted as 30, 12, and 18 votes. B has now a surplus of 20, and is declared elected.

Third Count.

B's surplus of 20 was produced by the sub-parcel of 80 second preferences, having a value of 30. These 80 second preferences are now divided into packets according to the third preferences. It is found that the sub-parcel divides into two equal packets, one containing 40 papers, on each of which D is marked 3, and the other 40 on each which is marked 3.

Thus B's surplus of 20 is equally divided between D and E, each receiving a packet containing 40 third preferences, but counted as 10 votes.

D's share is found as follows:—Multiply the surplus (20) by the number of papers (40) in D's packet, and divide the product (800) by the number of papers (80) in the sub-parcel which produced the surplus.

Fourth Count.

There are still two seats to be filled, and there are no more surplus votes to be transferred. It is therefore necessary to exclude the candidate lowest on the poll as it now stands, and to transfer all his ballot-papers to the candidates marked 2 thereon. It is found that D and E are a tie for the lowest place, therefore the preceding counts are referred to. It is found that the last stage at which there was a difference between D and E was the first count, when, as between the two, E had the lesser number of votes. E, with 54 votes, is accordingly excluded.

E's parcel is found to be made up of three sub-parcels, which have been kept distinct from one another. These sub-parcels are now dealt with in the order in which they came to E.

The first to come was the sub-parcel of 26 first votes, which came straight from the ballot-box. On 11 of these C is marked 2, and on 15 D is marked 2. These two packets are accordingly transferred at the full value of 11 and 15 votes respectively.

The sub-parcel which came second to E was a sub-parcel of 48 second preferences from A, which was counted as 18 votes. This sub-parcel is found to divide into two packets of third preferences—a packet of 16 for C and a packet of 32 for D. The vote value (18) of E's sub-parcel of 48 votes is to be divided between C and D in proportion to the numbers 16 and 32. C's share is found as follows:—Multiply the vote value of the sub-parcel (18) by the number of papers in C's packet (16), and divide the product (288) by the number of papers in the sub-parcel (48). C's share is thus found to be 6. Similarly D's share is found to be 12.

The whole sub-parcel is now transferred to C and D in two packets containing 16 and 32 papers respectively, but on transfer these packets are respectively counted as 6 and 12 votes.

E's third and last parcel consists of 40 third preferences, valued at 10 votes. This is divided, according to the fourth preferences, into a packet of 15 papers, on each of which C is marked 4, and a packet of 25 papers, on each of which D is marked 4.

The vote value (10) of the sub-parcel is divided between C and D in proportion to the numbers 15 and 25 respectively.

The vote values of C and D's packets are found, as before, to be—C's share, $3\frac{3}{4}$ votes, and D's share $6\frac{1}{4}$ votes. Rejecting the fractions, C's packet is transferred at a vote value of 3, and D's packet at a vote value of 6.

Three packets valued at 11, 6, and 3 votes, or 20 in all, are transferred to C, and three packets valued at 15, 12, and 6, or 33 in all, transferred to D. In this way E's parcel of 54 votes is disposed of, one vote becoming "lost" by the rejection of fractions. Thus at the fourth count, as shown in the Table, C's total is raised from 57 to 77, and D's total from 54 to 87.

Fifth Count.

As the result of the transfer of E's votes no candidate has obtained the quota. Therefore, R is excluded, as the candidate now lowest on the poll. His parcel consists of one sub-parcel only, made up of 60 first votes. On all these Q, a member of the same party, is found to be the second choice, and the 60 votes are accordingly transferred. Q has now a surplus of 30, and is declared elected.

Sixth Count.

Q's surplus was produced by the transfer of a sub-parcel of 60 first votes from R, on each of which Q was marked 2. This sub-parcel is now divided into three packets, according to the third preferences, a packet of 48 papers for D, a packet of 6 for C, and a packet of 6 exhausted papers. On the 6 papers in this exhaust packet the names of C and D, the only unelected and unexcluded candidates, are struck out. These exhausted papers are therefore untransferable, and are set aside as "lost."

Applying the rule used in the third count, it is found that the packet of 48 papers for D is, on transfer, to be counted as 24 votes, the packet of 6 for C as 3 votes, and the packet of 6 exhausted papers as 3 votes. This raises D above the quota, and he is declared elected.

Five candidates, A, B, D, P, and Q have now been declared elected, and the election is closed.

The party of the Red Rose, with 365 votes polling three quotas, wins three seats; the party of the White Rose, with 230 votes polling two quotas, wins two seats. On the Block system, the party of the Red Rose could have gained all five seats.

Appended is a Table showing at a glance the result of each count :—

Candidate.	First Count.	Second Count.	Third Count.	Fourth Count.	Fifth Count.	Sixth Count.
Red Rose ... {	A ... 160	100	100	100	100	100
	B ... 90	120	100	100	100	100
	C ... 57	57	57	77	77	80
	D ... 32	44	54	87	87	111
	E ... 26	44	54	0	0	0
White Rose.. {	P ... 100	100	100	100	100	100
	Q ... 70	70	70	70	130	100
	R ... 60	60	60	60	0	0
Lost votes ...	0	0	0	1	1	4
Total votes polled	595	595	595	595	595	595

Inclosure 3 in No. 27.

UNIVERSITY OF MELBOURNE.

Extracts from the Standing Orders of the Senate : 1903.

Elections.

85. THE office of Warden shall become vacant annually on the 1st day of June.

86. The Warden shall hold office until his successor is elected.

87. In all elections by the Senate the Registrar shall act as Returning Officer.

88. Not more than nine weeks before the occurrence through effluxion of time or upon the occurrence through any other cause of any vacancy in the office of Warden or in the Council of the University, the Returning Officer shall forthwith issue a Circular to the Members of the Senate, whose addresses are on the Register, stating the occurrence of such vacancy, and that he will receive nominations of candidates, which may be duly sent in to him on or before a day not less than fourteen days from the date of such Circular.

89. Nominations of qualified persons shall be made by two members of the Senate, and shall contain the written consent of the candidate to his nomination.

90. The Returning Officer shall hold an election within forty-nine days, and not less than forty-two days from the latest day for receiving nominations.

91. If one candidate only be nominated the Returning Officer shall publish his name on the board at the University, and shall extend the time allowed for receiving nominations seven days beyond the date first fixed. If no further nominations are received the Returning Officer shall declare the candidate duly elected.

92. If more than one candidate be nominated votes shall be given by voting papers only.

93. Within seven days after the latest day of nomination the Returning Officer shall post to each Member of the Senate whose address is on the Register a voting paper, a form of declaration, and three envelopes, one envelope to be marked "Voting Paper," a second to be marked "Declaration," and the third to be addressed "The Returning Officer, University, Melbourne."

94. Every voting paper shall contain the names of the candidates for election, and shall be marked by the Returning Officer, and no voting paper or declaration other than that officially issued, as aforesaid, shall be accepted, provided that if in any case any voting paper or declaration has been lost or destroyed a duplicate shall be supplied on written application to the Registrar.

95. Every voting paper shall be in the form following, or to the like effect, that is to say :—

Directions.

The voter shall write the figure 1 opposite the name of the candidate who stands first in his order of preference, the figure 2 opposite the name of the candidate who stands second in his order of preference, and so on.

LIST of Candidates.

Numerical Order of Voter's Preference.	(Names to be inserted in Alphabetical Order of Surnames.)

No signature is to be written on this voting paper.

96. Every declaration shall be in the form following or to the like effect, that is to say :—

“To the Returning Officer of the Senate of the University of Melbourne,
“I, the Undersigned, declare that I am a Member of the Senate of the University of Melbourne, and at the election of Warden (or of a member or members of the Council to fill the vacancy or vacancies caused or to be caused by [here insert the cause] as the case may be), which is to take place at o'clock on the day of 19 , do hereby vote in the manner shown in the accompanying voting paper.
Signature of Member.....

Date.....

97. Each Member of the Senate shall post to or deliver at the office of the Registrar his voting paper and his declaration, each inclosed in a separate and distinctive envelope. These envelopes shall both be inclosed in a third or outer envelope, which shall be addressed to the Returning Officer.
98. All such envelopes addressed to the Returning Officer shall remain unopened until the close of the poll. The Returning Officer shall then in each case open the outer envelope and also the envelope containing the declaration of each voter. If the declaration be duly signed, the Returning Officer shall place in a ballot box provided for the purpose the accompanying envelope containing the voting paper. When all the declarations have been examined the Returning Officer shall mix the envelopes containing the voting papers, open the same, and ascertain the result of the election.
99. Each candidate shall be entitled to nominate a Scrutineer to assist the Returning Officer.
100. Neither the Returning Officer nor any Scrutineer shall in any way whatever directly or indirectly divulge or disclose or aid in divulging or disclosing for what candidate or in what manner any Member of the Senate voted at any election.
101. Except as aforesaid no member shall before or after voting transfer or part with his voting paper or declaration to, or permit it to be used by any other person.
102. No voting paper shall be used at any election unless it be received by the Returning Officer not later than the hour fixed for the election, which shall be stated in the declaration.
103. The voter shall indicate the order of his preference by numbering the names of the candidates consecutively, commencing with the No. 1, and any voting paper on which more than one name is left unnumbered shall not be used in the election. When one name only is left unnumbered the Returning Officer shall insert the number omitted.
104. If on the report of the Registrar or of a Scrutineer the Warden be of opinion that any voting paper is substantially defective, such voting paper shall not be used in the election.
105. If there be more than one vacancy to be filled at any election the vacancies shall be filled separately in the order of their occurrence, and as each vacancy is filled the name of the successful candidate shall be deemed to have been erased from each voting paper, and the names which remain to have been renumbered with the figures 1, 2, 3, 4, &c., according to the order in which they stand in the voter's order of preference.
106. One or more scrutinies shall be made by the Registrar and Scrutineers, each of the latter being the representative of one candidate, according to the following rules :—
- (1.) The first scrutiny shall be made in the following manner :—
- (a.) The figure written opposite the name of any candidate on any voting paper shall be deemed to represent so many votes against the said candidate.
- (b.) The number obtained by dividing the total number of votes by the number of candidates shall be the average for the scrutiny.
- (c.) Every candidate whose sum total is not less than the average shall be rejected.
- (2.) Any subsequent scrutiny shall be made in the same manner as the first scrutiny, provided that the names of all candidates rejected at any preceding scrutiny shall be deemed to have been erased from each voting paper, and the names which remain to have been renumbered with

the figures 1, 2, 3, 4, &c., according to the order in which they stand in the voter's order of preference.

(3.) When upon any scrutiny all the candidates but one have been rejected, that one shall be declared elected.

(4.) If upon any scrutiny all the candidates have the same number of votes recorded against them, the Warden shall by a casting vote reject one of them.

(5.) If upon the first scrutiny it is found that any candidate has an absolute majority of the total number of first votes polled he shall be declared elected.

107. The Warden shall, subject to the provisions herein contained, determine conclusively all questions of detail concerning the election.

108. In all cases not herein provided for the rules and usages of Parliament shall be followed, so far as they may be applicable.

Inclosure 4 in No. 27.

ROYAL SOCIETY OF VICTORIA.

Methods of Election: by Professor E. J. Nanson.

(Read October 12, 1882.)

IF there be several candidates for an office of any kind, and the appointment rests in the hands of several persons, an election is held to decide who is to receive the appointment. The object of such an election is to select, if possible, some candidate who shall, in the opinion of a majority of the electors, be most fit for the post. Accordingly, the fundamental condition which must be attended to in choosing a method of election is that the method adopted must not be capable of bringing about a result which is contrary to the wishes of the majority. There are several methods in use, and none of them satisfy this condition. The object of this paper is to prove this statement, and to suggest a method of election which satisfies the above condition.

Let us suppose, then, that several persons have to select one out of three or more candidates for an office. The methods which are in use, or have been put forward at various times, may be divided into three classes.

The first class includes those methods in which the result of an election is arrived at by means of a single scrutiny.

The second class includes those in which the electors have to vote more than once.

The third class includes those in which more than one scrutiny may be necessary, but in which the electors have only to vote once.

In describing these methods, the number of candidates will in some cases be supposed to be any whatever, but in other cases it will be assumed, for the sake of simplicity, that there are only three candidates. The case in which there are only three candidates is the simplest, and it is of frequent occurrence. I propose, therefore, to examine, for the case of three candidates, the results of the methods which have been proposed, and to show that they are erroneous in this case. This will be sufficient for my purpose, for it will be easily seen that the methods will be still more liable to error if the number of candidates be greater than three. I shall then discuss at some length the proposed method in the case of three candidates, and afterwards consider more briefly the case of any number of candidates.

Methods of the First Class.

In the first class three methods may be placed, viz., the single vote method, the double vote method, and the method of Borda. In these methods the electors have only to vote once, and the result is arrived at by means of a single scrutiny.]

The Single Vote Method.

This is the simplest of all methods, and is the one adopted for Parliamentary elections in all English-speaking communities in the case in which there is only one vacancy to be filled. As is well known, each elector has one vote, which he gives to some one candidate, and the candidate who obtains the greatest number of votes is elected. This method is used for any number of candidates; but in general the larger number of candidates the more unsatisfactory is the result.

In this method, unless some candidate obtains an absolute majority of the votes polled, the result may be contrary to the wishes of the majority. For, suppose that there are twelve electors and three candidates, A, B, C, who receive respectively five, four, and three votes. Then A, having the largest number of votes, is elected. This result, however, may be quite wrong; for it

is quite possible that the four electors who vote for B may prefer C to A, and the three electors who vote for C may prefer B to A. If this were the case, and the question

That A is to be preferred to B

were put to the whole body of electors, it would be negatived by a majority of two, and the question

That A is to be preferred to C

would also be negatived by a majority of two. Thus the single vote method places at the head of the poll a candidate who is declared by a majority of the electors to be inferior to each of the other candidates. In fact, if A and B were the only candidates B would win; or if A and C were the only candidates C would win; thus B and C can each beat A, and yet neither of them wins. A wins simply because he is opposed by two men, each better than himself.

Thus the single vote method does not satisfy the fundamental condition. It appears also not only that the best man may not be elected, but also that we are not even sure of getting in the second best man. It is clear that if any candidate obtain an absolute majority of the votes polled this error cannot occur. All we can say, then, about the single vote method is that if any candidate obtain an absolute majority the method is correct, but if no one obtains such a majority the result may be quite erroneous.

These results are well known, and consequently in elections under this plan great efforts are generally made to reduce the number of candidates as much as possible before the polling day, in order to avoid the return of a candidate who is acceptable to a small section only of the electors. This reduction can, in practice, be made only by a small number of the electors, so that the choice of a candidate is taken out of the hands of the electors themselves, who are merely permitted to say which of two or more selected candidates is least objectionable to them.

The Double Vote Method.

In this method each elector votes for two candidates, and the candidate who obtains the largest number of votes is elected. This method is erroneous, for it may lead to the rejection of a candidate who has an absolute majority of votes in his favour, as against all comers. For suppose that there are twelve electors, and that the votes polled are, for A, nine; for B, eight; for C, seven, then A is elected. Now, in order to show that this result may be erroneous it is merely necessary to observe that it is possible that each of the seven electors who voted for C may consider C better than A and B; that is to say, an absolute majority of the electors may consider C to be the best man, and yet the mode of election is such that not only does C fail to win, but in addition he is at the bottom of the poll. This is an important result; we shall see presently the effect it has on other methods of election.

In the case in which there are only three candidates this method is, in fact, equivalent to requiring each elector to vote against one candidate, and then electing the candidate who has the smallest number of votes recorded against him.

Borda's Method.

This method was proposed by Borda in 1770, but the first published description of it is in the volume for 1781 of the "Memoirs of the Royal Academy of Sciences." For some remarks on the method see Todhunter's "History of Probability," p. 433, where the method is described. In the case of three candidates, it is as follows: Each elector has three votes, two of which must be given to one candidate, and the third vote to another candidate. The candidate who obtains the greatest number of votes is elected.

In order to show that this method may lead to an erroneous result, suppose that there are twelve electors, of whom five prefer A to B and B to C, whilst two prefer A to C and C to B, and five prefer B to C and C to A. Then the votes polled will be, for A, fourteen; for B, fifteen; for C, seven. Thus B is elected. It is clear, however, that this result is wrong, because seven out of the whole twelve electors prefer A to B and C, so that, in fact, A has an absolute majority of the electors in his favour. Hence, then, Borda's method does not satisfy the fundamental condition, for it may lead to the rejection of a candidate who has an absolute majority of the electors in his favour.

It may be observed that the result of the poll on Borda's method may be obtained, in the case of three candidates, by adding together the corresponding results in the polls on the methods already described.

If there be n candidates, each elector is required to arrange them in order of merit; then for each highest place $n-1$ votes are counted; for each second place, $n-2$ votes, and so on; $n-r$ votes being counted for each r^{th} place, and no votes for the last place. The candidate who obtains the greatest number of votes is elected.

Borda does not give any satisfactory reason for adopting the method. Nevertheless he had great faith in it, and made use of it to test the accuracy of the ordinary or single vote method, and arrived at the extraordinary conclusion that in any case in which the number of candidates is equal to or exceeds the number of electors, the result cannot be depended upon unless the electors are perfectly unanimous. This in itself is sufficient to show that Borda's method must be capable of bringing about a result which is contrary to the wishes of the majority.

There is, however, another objection which is of great importance. Borda's method holds out great inducements to the electors to vote otherwise than according to their real views. For if an elector strongly desires the return of a particular candidate, he not only gives his two votes to that candidate, but he also takes care to give his remaining vote to the least formidable of the other candidates. The effect of this is to give a great advantage to second-rate candidates. Thus not only does Borda's method fail to interpret the true wishes of the electors, supposing that they vote honestly, but it holds out great inducements to them to vote otherwise than according to their real views.

Laplace discussed the question of the best mode of electing one out of several candidates, and by an analytical investigation was led to Borda's method.* He states distinctly that this method is the one indicated by the theory of probabilities. He then proceeds to point out the objection just stated, and expresses the opinion that the method would, without doubt, be the best if each elector would write the names of the candidates in what he thinks the order of merit. We have seen, however, that this is far from being the case.

Methods of the Second Class.

The simplest method of the second class is the French method of double elections. In this method each elector has one vote, as in the single vote method, already described. If, however, no candidate obtain an absolute majority of the votes polled, a second election is held. For this second election only the two candidates who obtained the largest number of votes at the first election can be candidates. The result is that the successful candidate is returned by an absolute majority of those who vote at the second election, so that it would appear, at first sight, that the successful candidate represents the views of a majority of the electors. We must not lose sight, however, of two facts, first, that all the electors who vote at the first election may not vote at the second election; second, that those who do so vote merely have to choose between the two remaining candidates, and that, consequently, they may not be represented in any sense by the candidate they vote for; they may merely be in the position of having a choice of evils.

This plan has frequently been proposed for adoption in England, and quite recently it has been proposed by more than one speaker in the Legislative Assembly of Victoria. The method is indeed a great improvement on the present system of single voting, and if the election be merely a party contest, and neither side runs more than two candidates, the result cannot be wrong. But if these conditions be not satisfied, the method may easily lead to an erroneous result. The method may be used whatever be the number of candidates; but it is sufficient to show that it is erroneous in the case of three candidates only. This is at once done by a further consideration of the example already given in discussing the single vote method. For in that example C is at the bottom of the poll, and, according to the present system, he is rejected, and a second election is held to decide between A and B, because no one has an absolute majority at the first election. The result of the second election is, for A, five votes; for B, seven votes; so that B wins. In order to show that this result may be erroneous it is only necessary to suppose that the five electors who voted for A prefer C to B. For then, if the question

That C is to be preferred to B

was put to the whole body of electors, it would be carried by a majority of four. Now, we have already seen that the question

That C is to be preferred to A

would be carried by a majority of two. Hence, then, this method leads to the rejection of a candidate who is declared by a majority of the electors to be superior to each of the other candidates. This method, then, clearly violates the condition that the result must not be contrary to the wishes of the majority.

We may consider this example from a slightly different point of view. In discussing it under the single vote method, the important result arrived at was that A was inferior to each of the other candidates, and, therefore, ought to be at the bottom of the poll, instead of being at the top, as he was, in consequence of his being opposed by two good men, B and C. Thus, instead of excluding C, as in the French method, A is the one who ought to be excluded. Having arrived at the result that A is to be excluded, the whole of the electors have now a right to decide between B and C. On putting this question to the issue, we find that C is preferred by the electors.

We see, then, that the French method may lead to error through throwing out the best man at the first election. And this is the only way in which it can err; for if there be a best man, and he survive the ordeal of the first election, he must win at the second, seeing that he is, in the opinion of the electors, better than each of his competitors.

Comparing the French method with the single vote method, we see that in the case of three candidates the worst candidate may be returned by the single vote method, but that it would be impossible for such a result to be brought about by the French method. By that method we are at least sure of getting the second best man, if we fail to get the best.

There is, however, a grave practical objection to this method. It is that a second polling may be necessary. This is of great importance; for in the case where the number of electors

* "Journal de l'École Polytechnique," cahiers vii and viii, pp. 169, 170; "Théorie Analytique des Probabilités," pp. 101, 299; Todhunter's "History of Probability," pp. 547, 548.

is large, as in a political election, great expense has to be incurred, not only by the authorities in providing the necessary machinery, but also by the electors themselves in coming to the poll again. Besides this, the excitement of the election is kept up much longer than it would be if the whole matter could be settled by a single polling. There can, I think, be little doubt that this objection has been one of the chief obstacles with which the advocates of this method have had to contend. Accordingly, we find that the single vote method is employed, as a rule, in those cases in which there are some hundreds of electors, and it would be inconvenient to hold a second election. On the other hand, when the number of electors is small, so that they can all meet together, and remain till a second or third election has been held, the number of candidates is generally reduced to two by means of a preliminary ballot or ballots. This very fact shows that the defects of the single vote method are recognized, because in those cases in which it is considered to be practicable to do so a preliminary election is held, so as to try to avoid the glaring defect of the single vote method—that is, to avoid returning a candidate who is acceptable to a small section only of the electors. It is a mistake, however, to suppose that it is not practicable to hold one or more preliminary elections when the number of electors is large. It is generally thought that in order to do so a fresh set of voting papers must be used for the second election, and that this second election cannot be held till the result of the first is known, so that the electors have the expense and trouble of going to the poll a second time. This, at all events, appears to be the practice in France, Germany, and Italy. This, however, is not necessary: for, by a very simple expedient, any number of preliminary elections, on any plan whatever, may be held by means of a single set of voting papers, and without troubling the electors to vote more than once. The expedient is to require each elector to indicate his order of preference amongst all the candidates. Once get this information from the electors, and we can tell how any elector will vote on any question that may be put as to the merits of the candidates. It is here assumed that an elector will not change his opinion during the course of the election. This expedient of making each elector indicate his order of preference amongst all the candidates is necessary in order to carry out Borda's method, which has been described above: indeed, it was suggested by Borda himself. But Borda does not appear to have noticed that it might be made use of for a series of elections without requiring the electors to vote again; this appears to have been first pointed out by Condorcet. The idea of a preferential or comparative voting paper is one of the fundamental ones in Hare's system of proportional representation. We are not concerned with this subject here, as the only question under consideration is that of filling a single vacancy. It is, however, worthy of notice that the preferential voting paper which is such an important feature in Hare's system, is of such old origin, and that it was suggested by Condorcet as a means of filling several vacancies, which is the very question considered by Hare. The method of Condorcet, however, is quite different to that of Hare.

If the expedient here described were adopted, the French system would be free from the practical objection which has been indicated. It would still, however, be open to the objection that the result of the election might be contrary to the views of the electors. Notwithstanding this, the method would be a good practical one for elections on a large scale; it would be very suitable for party contests, and if neither side ran too many candidates, the result could not be wrong. The method, however, would be altogether unsuitable if there were three distinct parties to the contest. Under any circumstances, however, the method would be very little more complicated than the present system of single voting, and it would give much better results. If, however, it be considered desirable to reform the present electoral system so far as to introduce this French system of double elections, it would be as well to at once adopt the method of Ware, described below. This is the same, in the case of three candidates, as the French method, but in other cases it is a trifle longer. No difference whatever would be required in the method of voting, but only a little more labour on the part of the Returning Officer. The results of this method would be much more trustworthy than those of the French method.

Other Methods of the Second Class.

Before passing on to the methods of the third class, it may be stated that each of the methods described under that heading may be conducted on the system of the second class. In order to do so, instead of using a preferential voting paper, as in the methods of the third class, we must suppose a fresh appeal made to the electors after each scrutiny. This, of course, would make the methods needlessly complex, and, in the case of a large number of electors, totally impracticable. This, however, is not the only objection to the methods of the second class. For if the electors be allowed to vote again after the result of one of the preliminary elections is known, information is given which may induce an elector to transfer his allegiance from a candidate he has been supporting to another candidate whom he finds has more chance of success. A method which permits, and which even encourages, electors to change their views in the middle of the contest cannot be considered perfect. This objection does not apply to those cases in which there are only three candidates, or to any case in which all but two candidates are rejected at the first preliminary election, as in the French system.

There is another objection, however, which applies to all cases alike; it is that, at the first preliminary election, an astute elector may vote, not according to his real views, but may, taking advantage of the fact that there is to be a second election, vote for some inferior candidate in order to get rid, at the first election, of a formidable competitor of the candidate he wishes to win. If this practice be adopted by a few of the supporters of each of the more formidable competitors, the result will frequently be the return of an inferior man.

On account of these objections, I consider it unnecessary to enter into any further details as to the methods of the second class.

Methods of the Third Class.

In the methods of the third class each elector makes out a list of all the candidates in his order of preference, or, what comes to the same thing, indicates his order of preference by writing the successive numbers, 1, 2, 3, &c., opposite the names of the candidates on a list which is supplied to him. Thus one voting only is required on the part of the electors. These preferential or comparative lists are then used in a series of scrutinies; and the methods of the third class differ from one another only in the way in which these scrutinies are conducted. Three different methods, which may be called Ware's method, the Venetian method, and Condorcet's practical method, have been proposed for use, and these will now be described.

Ware's Method.

This method is called Ware's method because it appears to have been first proposed for actual use by W. R. Ware of Harvard University.* The method was, however, mentioned by Condorcet,† but only to be condemned. This method is a perfectly feasible and practicable one for elections on any scale, and it has recently been adopted by the Senate of the University of Melbourne. It is a simple and obvious extension of the French system, and it is obtained from that system by two modifications, viz. :—

(1.) The introduction of the preferential or comparative method of voting, so as to dispense with any second voting on the part of the electors.

(2.) The elimination of the candidates one by one, throwing out at each scrutiny the candidate who has fewest votes, instead of rejecting at once all but the two highest.

In the case in which there are three candidates only, the second modification is not necessary. It will, perhaps, be convenient to give a more formal description of this method. The mode of voting for all methods of the third class has already been described; it remains, therefore, to describe the mode of conducting the scrutinies in Ware's method.

At each scrutiny each elector has one vote, which is given to the candidate, if any, who stands highest in the elector's order of preference.

The votes for each candidate are then counted, and if any candidate has an absolute majority of the votes counted, he is elected.

But if no candidate has such an absolute majority, the candidate who has fewest votes is excluded, and a new scrutiny is proceeded with, just as if the name of such excluded candidate did not appear on any voting paper.

Successive scrutinies are then held until some candidate obtains on a scrutiny an absolute majority of the votes counted at that scrutiny. The candidate who obtains such absolute majority is elected.

It is obvious that this absolute majority must be arrived at sooner or later.

It is clear, also, that if on any scrutiny any candidate obtain a number of votes which is greater than the sum of all the votes obtained by those candidates who each obtain less than that candidate, then all the candidates having such less number of votes may be at once excluded.

Ware's method has been shown to be erroneous for the case of the three candidates in the remarks on the French method, of which it is in that case a particular form. It is easy to see that if there be more than three candidates the defects of this method will be still more serious.

The objection to this method, concisely stated, is that it may lead to the rejection of a candidate who is considered by a majority of the electors to be better than each of the other candidates. At the same time, the method is a great improvement on the single vote method; and the precise advantage is that whereas the single vote method might place at the head of the poll a candidate who is considered by a majority of the electors to be worse than each of the other candidates, it would be impossible for such a candidate to be elected by Ware's method.

To illustrate fully the difference between the two methods and the defects of each, suppose that there are several candidates, A, B, C, D, . . . P, Q, R, and that in the opinion of the electors each candidate is better than each of the candidates who follow him in the above list, so that A is clearly the best, B the second best, and so on, R being the worst, then on the single vote method R may win; on Ware's method A, B, C, D, . . . P, may be excluded one after another on the successive scrutinies, and at the final scrutiny the contest will be between Q and R, and Q, of course, wins, since we have supposed him better than R in the opinion of the electors. Thus the single vote method may return the worst of all the candidates; and although Ware's method cannot return the worst, it may return the next worst.

A great point in favour of Ware's method is that it is quite impossible for an astute elector to gain any advantage for a favourite candidate by placing a formidable competitor at the bottom of the list. On account of its simplicity, Ware's method is extremely suitable for political elections. In cases of party contests, the strongest party is sure to win, no matter how many candidates are brought forward. The successful candidate, however, will not always be the one most acceptable to his own party.

* See "Hare on Representation," p. 353.

† "Œuvres," 1804, vol. xiii, p. 243.

The Venetian Method.

For the sake of simplicity, I describe this method for the case of three candidates only. Two scrutinies are held; at the first scrutiny each elector has two votes, which are given to the two candidates, one to each, who stand highest in the elector's order of preference. The candidate who has fewest votes is then rejected, and a final scrutiny is held between the two remaining candidates. At the final scrutiny each elector has one vote, which is given to that one of the remaining candidates who stands highest in the elector's order of preference. The candidate who obtains most votes at the final scrutiny is elected.

This method is very faulty; it may lead to the rejection of a candidate who has an absolute majority of the electors in his favour. For we have seen, in discussing the double vote method, that such a candidate may be rejected at the first scrutiny. In fact, unless the candidate who has fewest votes at the first scrutiny has less than N votes, where $2N$ is the number of electors, we cannot be sure the result is correct. For, for anything we can tell, the candidate who is rejected at the first scrutiny may be, in the opinion of an absolute majority of the electors, the best man for the post. If, however, the candidate who has fewest votes on the first scrutiny has less than N votes, then the method will certainly give a correct result. For, since there are only three candidates, to require an elector to vote for two candidates comes to exactly the same thing as to ask him to vote against one candidate. Now, if with the two votes any candidate got less than N votes, it is clear that there are more than N votes against him, for each candidate must be marked first, or second, or third on each paper. Thus, in the opinion of an absolute majority, the candidate is worse than each of the other candidates, and, therefore, ought not to be elected. Unless, therefore, the lowest candidate has less than N votes, this method violates the fundamental condition.

I do not know that the method has ever been used in the form here described; but in the still more objectionable form of the second class, which differs from the one just described only by dispensing with the preferential voting paper, and allowing the electors to vote again after the result of the first scrutiny is known, it is exceedingly common, and is frequently used by Committees. An instance, which was fully reported in the Melbourne papers, occurred some time ago in the selection of a candidate to stand on the constitutional side at the last election for Boroondara. It is fair, however, to say that the result of the method appears to have been correct in that case; but that was due to accident, and not to the method itself.

If there be more than three candidates the method is very complicated, and the defects are more serious. It seems, however, hardly worth while going into any details in the cases.

Condorcet's Practical Method.

This method was proposed in 1793 by Condorcet, and appears to have been used for some time at Geneva. It is described at pp. 36-41 of vol. xv of "*Condorcet's Collected Works*" (edition of 1804), and may be used in the case of any number of candidates for any number of vacancies. We are at present concerned only with the case of a single vacancy; and for the sake of simplicity I describe Condorcet's method for the case in which there are only three candidates.

Two scrutinies may be necessary in order to ascertain the result of the election in this method. At the first scrutiny, one vote is counted for each first place assigned to a candidate, and if any candidate obtains an absolute majority of the votes counted he is elected. But if no one obtain such an absolute majority a second scrutiny is held. At the second scrutiny one vote is counted for each first place, and one vote for each second place, exactly as in the first scrutiny on the Venetian method, and the candidate who obtains most votes is elected. At first sight we might suppose that this method could not lead to error. Comparing it with the Venetian method, described above, we see that Condorcet supplies a remedy for the obvious defect of the Venetian method—that is to say, the rejection of a candidate who has an absolute majority is now impossible. A little examination, however, will show, as seems to have been pointed out by Lhuillier,* that the method is not free from error. For, let us suppose that there are sixteen electors, of whom five put A first and B second, five put C first and B second, two put A first and C second, two put B first and A second, and two put C first and A second. Then the result of the first scrutiny will be, for A, B, C, seven, two, seven votes respectively. Thus, no one having an absolute majority, a second scrutiny is necessary. The result of the second scrutiny will be—for A, B, C, eleven, twelve, and nine votes, respectively. Thus B, having the largest number of votes is elected. This result, however, is not in accordance with the views of the majority of the electors. For the proposition, "B is better than A," would be negatived by a majority of two votes, and the proposition, "B is better than C," would also be negatived by a majority of two votes, so that in the opinion of the electors B is worse than A and also worse than C, and, therefore, ought not to be elected.

Summing up the results we have arrived at, we see that each of the methods which have been described may result in the return of a candidate, who is considered by a majority of the electors to be inferior to each of the other candidates. Some of the methods—viz., the double vote method, the method of Borda, and the Venetian method—may even result in the rejection of a candidate who has an absolute majority of votes in his favour as against all comers. It would, however, be quite impossible for such a result to occur on the single vote method, or the methods of Ware and Condorcet.

* See Montucla's "*Histoire des Mathématiques*," vol. iii, p. 421.

Method proposed.

Having pointed out the defects of the methods in common use, it now remains to describe the method proposed for adoption, and to show that it is free from these defects. It consists merely in combining the principle of successive scrutinies with the method of Borda, and at the same time making use of the preferential voting paper, so that the proposed method belongs to the third-class. I propose, first, to describe and discuss the method for the case of three candidates, and then to pass on to the general case in which there may be any number of candidates.

Let us suppose, then, that there are three candidates, A, B, C. Each elector writes on his voting paper the names of two candidates in order of preference, it being clearly unnecessary to write down a third name. If we prefer it, the three names may be printed on the voting paper, and the elector may be required to indicate his order of preference by writing the figure 1 opposite the name of the candidate of his first choice, and the figure 2 opposite the name of the candidate of his second choice, it being clearly unnecessary to mark the third name. In order to ascertain the result of the election two scrutinies may be necessary.

At the first scrutiny two votes are counted for each first place and one vote for each second place, as in the method of Borda. Then if the two candidates who have the smallest number of votes have each not more than one-third of the whole number of votes, the candidate who has most votes is elected, as in the Borda's method. But if one only of the candidates has not more than one-third of the votes polled (and some candidate must have less), then that candidate is rejected, and a second scrutiny is held to decide between the two remaining candidates. At the second scrutiny each elector has one vote, which is given to that one of the remaining candidates who stands highest in the elector's order of preference. The candidate who obtains most votes at the second scrutiny is elected.

The method may be more briefly described as follows:—

Proceed exactly as in Borda's method, but instead of electing the highest candidate, reject all who have not more than the average number of votes polled. If two be thus rejected, the election is finished; but if one only be rejected, hold a final election between the two remaining candidates on the usual plan.

In order to show that the proposed method is free from the defects above described it is necessary and it is sufficient to show that if the electors consider any one candidate, A, say, superior to each of the others, B and C, then A cannot be rejected at the first scrutiny. For if A be not rejected at the first scrutiny he cannot fail to win at the second scrutiny. Let therefore the whole number of electors be $2N$, and let the number who prefer B to C be $N + a$, and consequently the number who prefer C to B be $N - a$; similarly, let the number who prefer C to A be $N - b$, and therefore the number who prefer A to C be $N - b$, and let the number who prefer A to B be $N + c$, and therefore the number who prefer B to A be $N - c$. Then it is easy to see that the numbers of votes polled by A, B, C at the first scrutiny will be

$$2N - b + c, 2N - c + a, 2N - a + b$$

respectively. For if the compound symbol AB be used to denote the number of electors who put A first and B second, and similarly for other cases, it is clear that A's score at the first scrutiny will be

$$2AB + 2AC + BA + CA.$$

Now this expression can be written in the form

$$(AB + AC + CA) + (AC + AB + BA),$$

and it is clear that the three terms in the first pair of brackets represent precisely the number of electors who prefer A to B, which number has already been denoted by $N + c$. In the same way the remaining three terms represent the number of electors who prefer A to C, which number has been denoted by $N - b$. Hence the score of A on the first scrutiny is $2N - b + c$. In exactly the same way it may be shown that the scores of B, C are $2N - c + a$ and $2N - a + b$ respectively. The sum of these numbers is $6N$, as it ought to be. Thus $2N$ is the mean or average of these three numbers, and consequently the highest of the three candidates must have more than $2N$ votes, and the lowest must have less than $2N$ votes. Now, let us suppose that a majority of the electors prefer A to B, and likewise that a majority prefer A to C; then c must be positive, and b must be negative. Hence the score of A, which has been shown to be $2N - b + c$, is necessarily greater than $2N$, for it exceeds $2N$ by the sum of the two positive quantities $-b$ and c . Thus A has more than $2N$ votes, that is, more than one-third, or the average of the votes polled. He cannot, therefore, be rejected at the first scrutiny, so that B or C or both must be rejected at the first scrutiny. If either of the two, B and C, be not rejected, A must win at the second scrutiny, for there is a majority for A against B, and also against C. Hence, then, it has been demonstrated that if the opinions of the electors are such that there is a majority in favour of A as against B, and likewise a majority in favour of A as against C, the method of election which is proposed will certainly bring about the correct result; whereas it has been shown by the consideration of particular examples that the methods in ordinary use may easily bring about an erroneous result under these circumstances. Thus the proposed method cannot bring about a result which is contrary to the wishes of the majority, so that the proposed method satisfies the fundamental condition.

The method which is proposed has, I think, strong claims. It is not at all difficult to carry out. The result will, as often as not, be decided on the first scrutiny. We simply require each elector to put down the names of two of the three candidates in order of preference. Then for each first name two votes are counted, and for each second name one vote is counted. The number of votes for each candidate is then found. The third part of the sum total may be called the average; then all candidates who are not above the average are at once rejected. The lowest candidate must, of course, be below the average. The second is just as likely to be below as above the average. If he is below, the election is settled; but if he is above the average, a second scrutiny is necessary to decide between him and the highest candidate.

Cases of Inconsistency.

We have now to consider what is the result of the proposed method in those cases in which there is not a majority for one candidate against each of the others. The methods which have been described have been shown to be erroneous by examining cases in which either one candidate has an absolute majority of the electors in his favour, or a candidate A is inferior to B and also to C, or a candidate A is superior to B and also to C. Now it is not necessary that any of these cases should occur. If a single person has to place three candidates in order of preference he can do so, and it would be quite impossible for any rational person to arrive at the conclusions—

B is superior to C	..	..	..	..	..	(1)
C is superior to A	..	..	..	..	..	(2)
A is superior to B	..	..	..	..	..	(3)

When, however, we have to deal with a body of men, this result may easily occur, and no one of the candidates can be elected without contradicting some one of the propositions stated above. If this result does occur, then, no matter what result any method of election may give, it cannot be demonstrated to be erroneous. We have examined several methods, and all but the one now proposed have been shown to lead to erroneous results in certain cases. It may fairly be urged, then, that that method which cannot be shown to be erroneous in any case has a greater claim to our consideration than any of the other methods which can be shown to be erroneous. On this ground alone I think the method proposed ought to be adopted for all cases.

We can, however, give other reasons in favour of the method proposed. We have seen that it gives effect to the views of the majority in all cases except that in which the three results (1), (2), (3) are arrived at. In this case there is no real majority, and we cannot arrive at any result without abandoning some one of the three propositions (1), (2), (3). It seems most reasonable that that one should be abandoned which is affirmed by the smallest majority. Now, if this be conceded, it may be shown that the proposed method will give the correct result in all cases. For it is easily seen that the majorities in favour of the three propositions (1), (2), (3) are respectively $2a$, $2b$, $2c$. Hence, then, in the case under consideration, a , b , c , must be all positive. Let us suppose that a is the smallest of the three. Then we abandon the proposition (1), and consequently C ought to be elected. Now let us see what the proposed method leads to in this case. B's score at the first scrutiny is $2N - c + a$, and this is necessarily less than $2N$, because c is greater than a , and each is positive. Again C's score is $2N - a + b$, and this is necessarily greater than $2N$, because b is greater than a , and each is positive. Thus B is below the average, and C is above the average. Therefore, at the first scrutiny B goes out and C remains in. If A goes out also, C wins at the first scrutiny. But if A does not go out, C will beat A at the second scrutiny. Thus C wins in either case, and therefore the proposed method leads to the result which is obtained by abandoning that one of the propositions (1), (2), (3) which is affirmed by the smallest majority. We have already seen that in the case in which the numbers a , b , c are not all of the same sign, the proposed method leads to the correct result. Hence, then, if it be admitted that when we arrive at the three inconsistent propositions (1), (2), (3) we are to abandon the one which is affirmed by the smallest majority, it follows that the proposed method will give the correct result in all cases.

We have, then, arrived at two results. First, that if the electors affirm any two of the propositions (1), (2), (3), and affirm the contrary of the remaining one, and so affirm three consistent propositions, then the result of the method of election which is here proposed, will be that which is the logical consequence of these propositions, whilst the methods in ordinary use may easily give a different result. Second, that if the electors affirm the three propositions (1), (2), (3) which are inconsistent, then the result of the method proposed is that which is the logical consequence of abandoning that one of the three propositions which is affirmed by the smallest majority.

Another way of applying Proposed Method.

The method may be stated in another form, which may sometimes be more convenient. For each first place count one vote; then, if any candidate has an absolute majority, elect him. But if not, count in addition one vote for each second place; then, if the lowest candidate has not got half as many votes as there are electors, reject him and proceed to a final scrutiny between the remaining two. But, if not, take the aggregate for each candidate of the results of the two counts; then reject all who have less than one-third of the votes now counted, and, if necessary, proceed to a final scrutiny.

This process will give the same final result as the method already described. This is readily seen as follows: 1st, if any one has an absolute majority on the first places, the election is settled at the first scrutiny, and the result is manifestly correct, and therefore the same as that of the proposed method. 2nd, if no one has an absolute majority on the first places, but some one has on first and second places less than half as many votes as there are electors, it is manifest that more than half the electors consider that candidate worse than each of the others, so that he ought to be rejected, and hence the result of the final scrutiny will be correct, and therefore in accordance with that of the proposed method. 3rd, if neither of the above events happen, we take the aggregate. Now (as has already been remarked) the result of taking the aggregate is to give us exactly the same state of the poll as in the first scrutiny of the proposed method. Thus the second way of applying the method will give the same final result as the proposed method. This second way is very convenient, for if there be an absolute majority for or against any candidate, it is made obvious at the first or second count, and the election is settled with as little counting as possible. The two counts are conducted on well known plans, and if the circumstances are such that either of these necessarily gives a record result, that result is adopted. But if it is not obvious that a correct result can be arrived at, then we take the mean, or what comes to the same thing, the aggregate of the two counts. This might appear to be a rule of thumb, and on that account may perhaps commend itself to some persons. This is not the case, however; and it is remarkable that that which might suggest as a suitable compromise in the matter should turn out to be a rigorously exact method of getting at the result in all cases. The view of the proposed method which has just been given shows exactly what modifications require to be made in Candorcet's practical method in order to make it accurate.

Laplace's Objection.

It may be said that the proposed method is open to the objection raised by Laplace to the method of Borda. To this I think it a sufficient answer to say, that if we have a method which will truly interpret the wishes of the electors, as expressed by their voting papers, we need not trouble ourselves whether they vote honestly or not; that is their own concern. If we provide a method which will bring out a correct result for honest electors we need not try to go further, and endeavour to construct a method which will force dishonest electors to vote honestly. Nevertheless, it may be pointed out that Laplace's objection is not of so much force in this case as in the case of Borda's method. For if an elector vote otherwise than according to his real views it will be at the risk of having his vote at the final scrutiny counted against the candidate whom he considers most fit for the office to be filled. This risk would be sufficient to deter most electors from voting otherwise than according to their real opinions. If, in spite of this risk, an elector persists in voting otherwise than according to his real views we must take him at his word. To illustrate this objection, let us suppose that B and C are two formidable candidates, and that A is in reality inferior to each of them, but that the voting is as follows, $BA = 5$, $CA = 4$, $AB = 1$, $AC = 1$; so that B's supporters, in their anxiety to defeat C, put A second, and C's supporters, in their anxiety to defeat B, put A second. The result at the first scrutiny is A 13 votes, B 11 votes, C 9 votes. Thus C is rejected and A wins in the final scrutiny. A wins because the whole of C's supporters put him second. Had one of C's supporters voted according to his real views, and put B second, the result would have been different.

If the preferential mode of voting were not employed this objection would be of great force; for then the supporters of each candidate would put his most formidable opponent at the bottom of their list at the first scrutiny, knowing that they would have at the second scrutiny an opportunity of reviewing their vote.

A Modification of Proposed Method.

It may be mentioned that there is another, but in general a more tedious, method of getting at a result, which cannot be shown to be erroneous in any case. This method has been adopted by the Trinity College Dialectic Society. It is as follows:—In the method proposed above, instead of rejecting all the candidates who are not above the average, reject the lowest only. It is obvious from what has been said above that this cannot lead to error. But a second scrutiny will always be required, whereas in the proposed method one scrutiny only may be necessary. There is another disadvantage; the result will not in all cases agree with that of the proposed method. For, let us suppose that a, b, c are all positive, and that a is the least of the three, and at the same time that $2c$ is less than $a + b$. On the method proposed, as we have already seen, C would be elected, but on the method now under discussion B would be elected. For the scores of A and B at the first scrutiny are $2N - b + c$, $2N - c + a$, respectively, and the first of them is the smallest, because $2c$ is less than $a + b$, and therefore $c - b$ is less than $a - c$. Thus A would be thrown out at the first scrutiny, and a second scrutiny would be held to decide between B and C, and B would win because a is positive. Thus the result is that which would follow from abandoning the proposition "A is better than B," which is affirmed by a majority of $2c$, whereas the result of the proposed method is that which would follow from abandoning the proposition "B is better than C," which is affirmed by a majority of $2a$, which is smaller than the former majority.

There is, however, one point in favour of the modified method. The first scrutiny will at once give us the values of the three differences $b - c$, $c - a$, $a - b$. From these, of course, we cannot find a, b, c . In the modified method, however, a second scrutiny is always necessary

and this will at once give us the value of one of the three a, b, c . Having already found the three differences, we can at once find each of the quantities a, b, c , and thence we can ascertain if the result is demonstrably correct. Thus if the modified method be used, we can always ascertain by a simple calculation, whether the result is perfectly satisfactory or not. The same remark applies to the proposed method in those cases in which two scrutinies are necessary.

Algebraic Analysis.

Before leaving the case in which there are three candidates only, it may be of interest to give a short algebraical analysis of the question. As before, let the compound symbol AB stand for the number of electors who put A first and B second, and similarly for other cases. Let us suppose, as is clearly possible, that six quantities, $a, b, c, \alpha, \beta, \gamma$, are found from the following equation:—

$$\begin{array}{lll} AB = \beta + c & BC = \gamma + a & CA = a + b \\ AC = \gamma - b & BA = a - c & CB = \beta - a \end{array}$$

Also let us suppose that $2N$ denotes the whole number of electors, which is clearly equal to $2(a + \beta + \gamma)$, then the states of the poll on the different modes of election which have been discussed are as shown in the following Table:—

Analysis of Votes.	Single Vote.	Double.	Borda.	Condorcet.		
A { $\begin{array}{l} AB = \beta + c \\ AC = \gamma - b \end{array}$ }	$\beta + \gamma - b + c$	$N + a$	$2N - b + c$	*	$N - b$	$N + c$
B { $\begin{array}{l} BC = \gamma + a \\ BA = a - c \end{array}$ }	$\gamma + a - c + a$	$N + \beta$	$2N - c + a$	$N + a$	*	$N - c$
C { $\begin{array}{l} CA = a + b \\ CB = \beta - a \end{array}$ }	$a + \beta - a + b$	$N + \gamma$	$2N - a + b$	$N - a$	$N + b$	*
$2N = 2(a + \beta + \gamma)$	$2N$	$4N$	$6N$	$2N$	$2N$	$2N$

In the first column is set out an analysis of the votes. In the second is the result of the poll on the single vote method. For instance, in the first line we have the quantity $\beta + \gamma - b + c$, which is the sum of AB and AC, *i.e.*, it denotes the number of electors who put A first. In the third column is the result of the poll on the double vote system, in which each elector has two votes. For instance, in the first line we have $N + a$, or what is the same, $2a + \beta + \gamma$ and this is equal to $AB + AC + BA + CA$, *i.e.*, it denotes the number of electors who puts A first, or second. In the fourth column is the result of the poll on Borda's method. For instance, in the first line we have $2N - b + c$, and this is equal to $2AB + 2AC + BA + CA$, as it ought to be. It is also seen at once that $2N - b + c$ is the sum of the two numbers in the first line in the second and third columns. This shows the truth of what was stated above, *viz.*, that the poll on Borda's method is the aggregate of the polls on the single and double vote systems. In the fifth, sixth, and seventh columns, under the heading Condorcet, are set down the states of the poll on the supposition that each of the candidates, A, B, C, is excluded in turn. Thus, if A be supposed excluded for a moment, we have $N + a$ votes for B in preference to C, and consequently $N - a$ for C in preference to B. For $N + a$ is equal to $AB + BC + BA$, as it ought to be. Thus it is clear that $2a$ is the majority for B as against C, so that the letters a, b, c , have the same meaning as in the previous part of this paper. It is clear too, as has been proved before, that the number in any row in the column headed Borda, is the sum of the two numbers in the same row in the columns headed "Condorcet."

The result of the method of election proposed in this paper depends solely upon the numbers a, b, c . The same is true of the method of Borda. On the other hand, the result of the double vote method depends solely on the values of a, β, γ . Consequently, whatever be the result of the proposed method or of Borda's method, we can clearly construct cases in which the result of the double vote method shall be what we please. The same is true of the single vote method; for although the result of the single vote method depends upon a, b, c as well as upon a, β, γ , it is easy to see that we can choose a, β, γ so as to eliminate the effect of the quantities a, b, c , whatever may be the values of the latter. The results of the Venetian method and of Ware's method depend on the values of a, b, c , as well as upon those of a, β, γ , so that although for given values of a, b, c , we cannot bring about any result we please, still we can choose a, β, γ so as to bring about a result different from the true one. This, of course, is to be done by choosing a, β, γ , so that the best candidate is thrown out at the first scrutiny. We have already seen that this is possible.

It is clear that no one of the quantities $\beta + \gamma, \gamma + a, a + \beta$ can be negative. For we have $\beta + \gamma = BC + CB$, and BC, CB can neither of them be negative. Again, $\beta + \gamma = N - a$; thus a cannot be greater than N . So also β, γ can neither of them exceed N . Since $\beta + \gamma$ cannot be negative, β and γ cannot both be negative; thus one only of the three a, β, γ can be negative. If a be negative it is clear that the numerical value cannot exceed N , for $a + \beta$ cannot be negative,

and β cannot exceed N . So for β and γ . Thus no one of the three a, β, γ can numerically exceed N , and one at most can be negative.

The limits between which a, b, c must lie are at once found from the consideration that $AB, AC, \&c.$, must none of them be negative. Thus $a + \gamma, \beta - a$ can neither of them be negative; thus a cannot be less than $-\gamma$ nor greater than β . Hence, *a fortiori*, no one of the three a, b, c , can be numerically greater than N . This last result is obvious from the fact that no one of the numbers in the columns headed "Condorcet" can be negative.

Formal demonstrations will now be given of a few results.

(i.) If any candidate have less than N votes on the double vote method, he ought not to be elected.

This has already been seen, but the following proof is given. Suppose A has less than N votes; then a must be negative, and therefore c must be negative and b positive. Thus A is worse than B , and also worse than C .

(ii.) Even if every elector put A in the first or second place it does not follow that A ought to be elected.

For if A has no third places we must have $BC = 0$ and $CB = 0$, thus $a = \beta = -\gamma$. Suppose β positive and therefore γ negative. Then by preceding case C ought to go out and A or B ought to win as c is positive or negative. Now c may be negative so that B may win; for the only conditions with reference to c are that c must be greater than $-\beta$ and less than a , and as β is positive it is clear that c may be negative.

(iii.) It is impossible to arrive at the true result by merely counting the number of first places, the number of second places, and the number of third places for each candidate.

This result seems obvious enough after what has been given. It may, however, be formally proved as follows:—

Let A_1, A_2, A_3 denote the numbers of first, second, and third places respectively for A , and let corresponding meanings be given to $B_1, \&c., C_1, \&c.$ Then we have—

$$\begin{aligned} A_1 &= \beta + \gamma - b + c \\ A_2 &= 2a + b - c \\ A_3 &= \beta + \gamma \end{aligned}$$

with corresponding equations for B 's and C 's. We see at once from these equations that it is impossible to find a, b, c even if $A_1, A_2, A_3, B_1, \&c.$, be all given. We can, however, find a, β, γ and the three differences $b - c, c - a, a - b$, viz., the results are—

$$\begin{aligned} a &= N - A_3, \beta = N - B_3, \gamma = N - C_3 \\ b - c &= A_3 - A_1, c - a = B_3 - B_1, a - b = C_3 - C_1, \\ \text{where } 2N &= A_1 + B_1 + C_1 = A_3 + B_3 + C_3 \dots (i) \end{aligned}$$

thus any five of the quantities $A_1, B_1, C_1, A_3, B_3, C_3$, may be chosen at pleasure; the sixth and N are then determined by the conditions (i) and A_2, B_2, C_2 are then given by the equations

$$A_2 = 2N - A_1 - A_3, \&c.$$

(iv.) If there be a demonstrably correct result, say A better than B and B better than C , so that c, a , are positive and b negative, then if Ware's method be wrong, Venetian method is right, and if Venetian method be wrong, Ware's method is right.

For if Ware be wrong A must be lowest on the single vote method, and therefore we must have

$$\begin{aligned} a + \beta - a + b &> \beta + \gamma - b + c \\ \text{or } a &> \gamma + a + c - 2b \end{aligned}$$

i.e., *a fortiori* $a > \gamma$ because a, c are positive and b negative. Thus A cannot be lowest on double vote method, so that A will win on the Venetian method. Again, if Venetian be wrong, A must be lowest on double vote method, and therefore we must have $\gamma > a$ and therefore $\beta + \gamma - b + c > a + \beta - a + b$ because a, c are positive and b negative. Thus A cannot be lowest on single vote method, so that A will win on Ware's method.

(v.) If we agree to accept the proposed method as correct in all cases, then the conclusions of the last proposition will be true in all cases.

For, in the demonstration of the last proposition, the essential condition is that $a + c - 2b$ should be positive. Now, if we suppose as before that the accepted result is A better than B , and B better than C , we must have a, b, c all positive and b the smallest of the three, so that it is clear that $a + c - 2b$ is positive.

Comparing then Ware's method with the Venetian method, we see that both may be right, or one wrong and one right, but both cannot be wrong; so that, if these two methods agree, the result cannot be shown to be wrong. If, however, they do not agree, we cannot tell which is right without in effect having recourse to the proposed method.

(vi.) If $a = b = c$, single and double vote methods give different results.

For A 's scores on the two methods will be respectively $N - a$ and $N + a$. Thus, if $\gamma > \beta > a$, the candidates are in the order A, B, C on the single vote method, and in the order C, B, A on the double vote method. In this case Borda's method leads to a tie, and consequently the proposed method also. Ware elects A or B as c is positive or negative, and

Venetian method elects C or B as a is negative or positive. Thus, in this case, Ware and Venetian method give different results.

(vii.) If $a = \beta = \gamma$, double vote method, and therefore also Venetian method, gives a tie; single vote method and Borda lead to same result; but Ware and proposed method will not necessarily lead to same result. If one only of the three, $b-c$, $c-a$, $a-b$, be negative, Ware and proposed method will lead to same result; but if two be negative the results may or may not agree.

(viii.) If $AB = AC$, $BC = BA$, $CA = CB$, all the methods will give the same result, and that result will be demonstrably correct.

This is the case in which the strong supporters of each candidate are equally divided as to the merits of the remaining candidates. In this case we have

$$a = \beta - \gamma, b = \gamma - a, c = a - \beta,$$

and A's scores on the single, double, and Borda's method are respectively $2a$, $N + a$, $N + 3a$. Thus, if $a > \beta > \gamma$, it is obvious that each of these methods will put A first, B second, and C third, and it is clear that this result is correct, for a, c are positive and b negative. It is at once seen that all the methods which have been discussed will lead to the same result in this case.

(ix.) If we suppose that

$$a = \frac{N}{3} + p(b-c), \beta = \frac{N}{3} + p(c-a), \gamma = \frac{N}{3} + p(a-b),$$

then A's scores on the single, double, and Borda methods will be respectively

$$\frac{2N}{3} - (p+1)(b-c), \frac{4N}{3} + p(b-c), 2N - (b-c).$$

Hence we see that—

If $p < 0$ and > -1 , the results of all three methods will be the same.

If $p < -1$, double and Borda methods will give the same result, which will be opposite to that of single method.

If $p > 0$, single and Borda methods will give the same result, which will be opposite to that of double method.

Thus, if $p > 0$ or < -1 , single and double methods will give different results. If we suppose that b, c are positive and a negative, and also that $2b < c + a$, then it may be shown that these different results will both be wrong.

Cases of more than Three Candidates.

It remains now to state and examine the method proposed for the case in which there are more than three candidates.

A series of scrutinies are held on Borda's system of voting, and all candidates who on any scrutiny have not more than the average number of votes polled on that scrutiny are excluded. As many scrutinies are held as may be necessary to exclude all but one of the candidates, and the candidate who remains uneliminated is elected.

The method proposed cannot lead to the rejection of any candidate who is in the opinion of a majority of the electors better than each of the other candidates, nor can it lead to the election of a candidate who is in the opinion of a majority worse than each of the other candidates. These results are an extension of those already proved for the case of three candidates, and they may be proved as follows:—

As before, let $2N$ be the number of electors, and let the candidates be denoted by A, B, C, D, &c. Let the compound symbol ab denote the number of electors who consider A better than B, and let corresponding meanings be given to ac, ad, ba , &c., so that ba will denote the number of electors who prefer B to A, and we shall, therefore, have $ab + ba = 2N$. Now suppose that at the commencement of any scrutiny the unexcluded candidates are A, B, C, . . . P, then the score of A on that scrutiny will be

$$ab + ac + ad + \dots + ap.$$

For suppose that there are n unexcluded candidates, and consider a voting paper on which A now occupies the r th place. For this A gets $n-r$ votes. Now on this paper A stands before $n-r$ other candidates. Thus the $n-r$ votes which A receives may be considered each as due to the fact that A stands before one of the following $n-r$ candidates. Thus we see that on any one voting paper A receives one vote for every candidate placed after him. Summing up for all the voting papers, we see that A receives one vote for each candidate placed after him on each paper. Now ab denotes the number of times B is placed after A on all the papers, and similarly for ac, ad , &c. Thus it is clear that A's score is

$$ab + ac + ad + \dots + ap.$$

This result was stated by Borda,* but proved only for the case of three candidates.

* "Mémoires de l'Académie Royale des Sciences," 1781, p. 663.

The whole number of votes polled is

$$2N(1 + 2 + 3 + 4 \dots + n-1)$$

or $Nn(n-1)$. Thus the average polled by all the candidates is $N(n-1)$. Now let us suppose that there is a majority for A as against each of the other candidates; then each of the $n-1$ numbers $ab, ac, ad, \dots ap$ is greater than N ; thus the sum of these numbers, which is equal to A's score, is necessarily greater than $(n-1)N$, that is, greater than the average score. Thus A will be above the average on every scrutiny, so that he must win on the proposed method.

Next, let us suppose that there is a majority for each of the other candidates against A. Then each of the numbers $ab, ac, \dots ap$ is less than N , and therefore their sum, which is equal to A's score, is less than $(n-1)N$, that is, less than the average score. Thus A is below the average, and will, therefore, be excluded at the first scrutiny.

The results which have just been proved are particular cases of a more general theorem, which may be enunciated as follows:—

If the candidates can be divided into two groups, such that each candidate in the first group is, in the opinion of a majority of the electors, better than each of the candidates in the second group, then the proposed method cannot lead to the election of a candidate of the second group.

The results which have just been proved are obtained from the above by supposing: first, that the first group contains one candidate, and the second group all the rest; and second, that the first group contains all but one of the candidates, and the second group the remaining candidate.

Let the first group consist of the l candidates, A, B, C, &c., and let the second group consist of the m candidates, P, Q, R, &c., and let $l + m = n$, so that n is the whole number of candidates. Because each of the candidates A, B, C, &c., is better than each of the candidates P, Q, R, &c., each of the numbers $ap, aq, ar, \dots bp, bq, \dots$ &c., is greater than N . Now the scores of A, B, C, D, &c., at the first scrutiny are respectively

$$\begin{array}{llll} * & ab + ac + ad + \&c. & \dots\dots & + ap + aq + ar + \&c. \\ ba & * + bc + bd + \&c. & \dots\dots & + bp + bq + br + \&c. \\ ca + cb & * + cd + \&c. & \dots\dots & + cp + cq + cr + \&c. \\ da + db + dc & * + \&c. & \dots\dots & + dp + dq + dr + \&c. \\ \&c. & \&c. & \dots\dots & \&c. \end{array}$$

If we add together all these numbers, we shall get the sum of the scores of A, B, C, D, &c. Now the numbers in the first l columns can be arranged in pairs, such as ab, ba , and $ab + ba = 2N$, and then are $\frac{1}{2} l(l-1)$, of these pairs; thus, the sum of the first l columns is $Nl(l-1)$. Again, the numbers in the last m columns are each greater than N , and there are lm of these numbers; thus, the sum of the last m columns is greater than Nlm . Thus, the sum of all the numbers is greater than $Nl(l-1) + Nlm$; that is, than $Nl(l+m-1)$; that is, greater than $Nl(n-1)$. Thus the sum of the scores of the l candidates of the first group is greater than $Nl(n-1)$. Hence the average score of the candidates of the first group is greater than $N(n-1)$. Hence the candidates of the first group cannot all be rejected at the first scrutiny. By the same reasoning it follows that those of the first group who survive cannot all be rejected at the second scrutiny; and so on. Thus some candidate of the first group must win on the proposed method; or, in other words, no candidate of the second group can be elected.

If the candidates can be divided into two groups in the manner just indicated, it is quite clear that no candidate of the second group ought to win. At the same time, whichever of the candidates of the first group wins, the result cannot be shown to be erroneous. If the division into groups can be made in more than one way, it is clear that the last statement applies only to the smallest group of the first kind. Now, in the proposed method the successful candidate must belong to the smallest group of the first kind. Hence, then, it is clear that the result of the proposed method cannot be shown to be erroneous in any case.

It is clear that no candidate can have more than $N(2n-2)$ votes on any scrutiny, n being as before the number of unexcluded candidates at the commencement of that scrutiny. For a candidate could only have this number by obtaining the first place on each voting paper.

Again, if any candidate obtain $N(2n-3)$ votes on any scrutiny, there is an absolute majority in his favour, so that we can at once elect him. For if a candidate were not put first on half the papers, he could not have so many as $(n-1)N + (n-2)N$ votes, this being the number he would have if he were put first on one half of the papers and second on the other half. It is clear, too, that if any candidate has less than N votes there is an absolute majority against him; for if a candidate has less than N votes, he must be last on at least half of the papers. These results are not of much use except in the case of three candidates; for if there be more than three candidates, it is only in cases of remarkable unanimity that a candidate can have so many as $N(2n-3)$, or so few as N votes. If, however, there be three candidates only, the above results may be stated as follows: The average is $2N$; the largest number of votes any one candidate can have is $4N$; if any candidate has $3N$ votes, or more, there is an absolute majority for him, and we can elect him at once, no matter whether the second candidate is above the average or not; if any candidate has less than N votes, there is an absolute majority against him, so that the result of the proposed method is demonstrably correct.

In the case of any number of candidates it will sometimes save a great deal of trouble if we first examine if there be an absolute majority for or against any candidate. This is easily done, and the results arrived at in the inquiry will be of use in carrying out the proposed method, if

such be found necessary. For let $A_1, A_2 \dots A_n$ denote the numbers of papers on which A occupies the first, the second \dots the last or n th place, and let similar meanings be given to $B_1, B_2, \&c., C_1, \&c.$ If A_1 be greater than N , there is an absolute majority for A , and we may at once elect him. If A_n be greater than N , there is an absolute majority against A , and we may at once exclude him. If neither of these results hold good for any candidate, we must use the proposed method in its general form. Now A 's score on that method is

$$(n-1)A_1 + (n-2)A_2 + \dots + (n-r)A_r + \dots + A_{n-1}.$$

Thus to find A 's score we must find $A_2, A_3 \dots A_{n-1}$. Now to find these it is not necessary to count all the votes for A . For we have

$$A_1 + A_2 + A_3 + \dots + A_n = 2N,$$

and A_1, A_n having been already found, we see that it is sufficient to calculate any $n-3$ of the $n-2$ quantities, $A_2, A_3 \dots A_{n-1}$, and the remaining one can then be found from the above equation.

It would, however, in practice be better to calculate each of the n quantities, $A_1, A_2 \dots A_n$, and then to use the above equation as a test of the accuracy of the counting of the votes. Similar remarks apply to the numbers $B_1, B_2 \dots B_n, C_1, C_2 \dots C_n, \&c.$

We have also n equations of the former

$$A_r + B_r + C_r + \dots = 2N,$$

where r may have any one of the values $1, 2, 3 \dots n$. This gives us n independent tests of the accuracy of the enumeration of the votes. In fact, if we arrange the n^2 quantities, $A_1, A_2 \dots A_n, B_1, \&c.,$ in the form of a square array

$$\begin{array}{l} A_1, A_2, A_3, \&c. \\ B_1, B_2, B_3, \&c. \\ C_1, C_2, C_3, \&c. \\ \&c., \&c., \&c. \end{array}$$

the sum of every row and of every column ought to be $2N$, so that we have altogether $2n-1$ independent tests of the accuracy of the enumeration of the votes.

The proposed method is not so laborious as might appear at first sight. The number of scrutinies will not usually be large, for we may reasonably expect to halve the number of candidates at each scrutiny. At each scrutiny we reject all who are not above the average. Now, in the long run we may expect to find as many below as above the average on a poll. Thus, if there be eight candidates, we should not, on the average, require more than three scrutinies. There can be no doubt, however, that the method would be tedious if the number of electors were very large, unless the number of candidates was very small indeed. In cases where the number of electors is large Ware's method has great practical advantages, for in that method we only require to count one vote for each paper examined at each scrutiny, and at every scrutiny except the first the number of papers to be examined is but a small fraction of the whole number of papers.

Condorcet's Theoretical Method.

A method of election was described by Condorcet in 1785, but on account of its complexity it was never proposed for actual use. On this account, and in order to distinguish it from Condorcet's practical method (which has been already described), I propose to call it Condorcet's theoretical method. This method is described by its author in the following terms:—

“There exists but one rigorous method of ascertaining the wish of the majority in an election. It consists in taking a vote on the respective merits of all the candidates compared two and two. This can be deduced from the lists upon which each elector has written their names in order of merit.”

“But, in the first place, this method is very long. If there are only twenty candidates, in order to compare them two and two, we must examine the votes given upon 190 propositions, and upon 780 propositions if there are forty candidates. Often, indeed, the result will not be as satisfactory as we could wish, for it may happen that no candidate may be declared by the majority to be superior to all the others; and then we are obliged to prefer the one who is alone judged superior to a larger number; and amongst those who are judged superior to an equal number of candidates, the one who is either judged superior by a greater majority or inferior by a smaller. But cases present themselves where this preference is difficult to determine. The general rules are complicated and embarrassing in application.” (*Œuvres de Condorcet*, vol. xv., pp. 28, 29.)

By this method Condorcet showed that the single vote method and the methods of Ware and Borda are erroneous. I do not think, however, that any one has hitherto noticed that Borda's method may lead to the rejection of a candidate who has an absolute majority of the electors in his favour as against all comers. It has also been shown above by the help of this theoretical method that Condorcet's practical method is erroneous. Thus it will be seen that the theoretical method is of use in testing the accuracy of other methods. From the description which has been given

above, however, it is not clear what the result of the theoretical method is, even in the simplest cases, when discordant propositions are affirmed, for if there be three candidates only, and with the notation already used, we have $a = 1$, $b = 2$, $c = 3$, each candidate is superior to one other candidate, and A is superior by most, whilst C is inferior by least. Thus, according to the above description, it is not certain which of the two, A or C, wins. In another passage, however,* Condorcet explains how he deals with any case of three candidates, and the process he adopts in the case of inconsistent propositions is to reject the one affirmed by the smallest majority. This is exactly the process which has been described above, and which was shown to be in accordance with the method proposed. Thus it is clear that in the case of three candidates the result of the proposed method will always be the same as that of Condorcet's theoretical method.

The general rules for the case of any number of candidates as given by Condorcet† are stated so briefly as to be hardly intelligible. Moreover, it is not easy to reconcile these rules with the statements made in the passage quoted above, and as no examples are given it is quite hopeless to find out what Condorcet meant.

Comparison of Proposed Method with Condorcet's Theoretical Method.

Comparing the method proposed in this paper with Condorcet's theoretical method, we see that, so far as any conclusion can be drawn from the votes of the electors, the two methods always agree. In those cases in which no conclusion can be drawn from the votes, the results of the two methods will not always be the same. It is equally impossible to prove either of these results wrong. Condorcet's method always shows whether the result is incapable of being proved wrong or not, but the proposed method gives us no information on this point. With the proposed method, however, there is no difficulty in arriving at the result in any case, whereas Condorcet's method is, by his own admission, so complicated as to be quite impracticable. Condorcet returns the candidate who is superior to the largest number of other candidates, without reference either to the number of votes by which the candidate is superior to those other candidates, or to the number of votes by which the candidate is inferior to the remaining candidates. Now, in the proposed method both these elements are taken into consideration. Each candidate is, in fact, credited with the numbers of votes by which he beats all candidates he is superior to, and is debited with the numbers of votes by which he is beaten by all candidates he is inferior to. All candidates who have the balance against them are excluded, and the election then proceeds as if the remaining candidates were the only ones eligible.

It seems clear, then, that the proposed method is quite as rigorous as that of Condorcet. It gives the same result as Condorcet's in the case of three candidates, and it agrees therewith in all cases so far as any conclusion can be drawn from the votes. In those cases in which no valid conclusion can be drawn from the votes the two methods may not agree, and although nothing can be proved one way or another in these cases, the principles on which the proposed method is founded seem quite as sound as those of Condorcet's method. The proposed method has, however, great practical advantages over Condorcet's method, for the process of arriving at the result is the same in all cases; the operations throughout are of the same kind. The number of numerical results which have to be arrived at is much smaller than in Condorcet's method. For instance, if there be sixteen candidates we should expect, in the long run, to have four scrutinies, involving thirty numerical results, whereas Condorcet's method would require the computation of the votes for and against 120 different propositions. When the numerical results are arrived at there is not the slightest difficulty in applying them, whereas in Condorcet's method the rules are very complicated. It may be claimed, then, that the proposed method has all the rigour of Condorcet's method and none of its practical difficulties.

Incomplete Voting-papers.

There is a point of some practical importance to be considered in connection with the proposed method. If the number of candidates was large, some of the electors might not be able to make out a complete list of the candidates in order of preference. We have then to consider how voting papers, on which the names are not all marked in order of preference, are to be dealt with. Such a voting paper may be called incomplete. In order to examine this question, let us first suppose, for the sake of simplicity, that there are only three candidates A, B, C, and that the votes tendered are of one of the forms AB, BA, C, that is to say, that all the electors who put A first put B second, that all who put B first put A second, and that all who vote for C mark no second name. In accordance with the proposed method, for each paper of the form AB, two votes would be given to A and one to B; and for each paper of the form BA, two votes would be given to B and one to A. The question arises, however: Is a paper of the form C, that is, a plumper for C, to be counted as one vote or as two votes for C? If it be counted as one vote only, it is clear that C might be defeated even if he had an absolute majority of first votes in his favour. For if we suppose $AB = BA = a$, and $C = c$, it is clear that the scores of A and B will each be equal to $3a$, and that of C to c . Thus C will be defeated unless $c > 3a$; but if $c > 2a$, there is an absolute majority for C. Hence, then, we may be led into error if each plumper for C be counted as one vote only. If, on the other hand, a plumper be counted as two votes, it is clear that C

* "Œuvres," vol. xiii, p. 259.

† "Essai sur l'Application de l'Analyse à la Probabilité des Décisions rendues à la Pluralité des Voix," pp. 125, 126.

might win even if there were an absolute majority against him. For the score of C will now be $2c$, and C will win if $2c > 3a$. But if $2c < 4a$, there is an absolute majority against C. Thus we should also be led into error if each plumper be counted as two votes. If, however, we agree to count a plumper as three halves of a vote, neither of these errors could occur. This course is readily seen to be the proper one in any case of three candidates, for it clearly amounts to assuming that the electors who plump for C are equally divided as to the merits of A and B. For if a^1 , b^1 , c^1 denote the numbers of plumpers for A, B, C respectively, and if we agree to consider all the electors who plump for A as being equally divided as to the merits of B and C, the effect of the a^1 plumpers for A would be to give $2 a^1$ votes to A, and $\frac{1}{2} a^1$ each to B and C. Now, as we are only concerned with the differences of the totals polled for each candidate, we see that the result of the first scrutiny will be the same if we take away $\frac{1}{2} a^1$ votes from each candidate. Thus the result will come out the same if we give $\frac{3}{2} a^1$ votes to A, and none to B or C, so far as the plumpers are concerned. Similarly the result will not be altered if the b^1 plumpers for B be counted, as $\frac{3}{2} b^1$ votes for B and nothing for C and A, and so for C's plumpers. Thus the final result will be in accordance with the views of the electors, if each plumper be reckoned as three halves of a vote.

The assumption that the electors who plump for A are equally divided as to the merits of B and C, appears to be perfectly legitimate, for the electors have an opportunity of stating their preference, if they have one, and as they have, in the case supposed, declined to express any, it may be fairly concluded that they have none.

At the final scrutiny (if held), all plumpers for the candidate who has been rejected will have no effect.

If there be more than three candidates, and incomplete papers are presented, we should have to make a similar assumption, viz., that in all cases where the preference is not fully expressed, the elector has no preference as regards the candidates whom he has omitted to mark on his voting-paper. Thus, for example, if there be four candidates, A, B, C, D, a plumper for A ought to count as two votes for A and none for B, C, D. Again, a voting-paper on which A is marked first and B second, and on which no other names are marked, ought to count as two and a-half votes for A and three halves of a vote for B. If there be more than four candidates the varieties of incomplete papers would be more numerous, and the weights to be allotted to each would be given by more complicated rules. Practically it would be best to count one vote for each plumper in the case in which only one candidate is marked on a voting-paper; one for the last, and two for the first, when two names only are marked on a voting-paper; one for the last, two for the next, and three for the first, when three names only are marked on a voting-paper, and so on, giving in all cases one vote to the candidate marked lowest on any paper, and as many votes to the candidate marked first as there are names marked on the paper. By this means the rules for computing the votes would be the same in all cases and at all scrutinies. We have seen, it is true, that this method may lead to error. The error has the effect of decreasing the votes for the candidates who are marked on any incomplete paper, and it arises solely in consequence of the papers being incomplete. Thus, if the electors do not fully express their preference, the effect is to injure the chances of their favourite candidates. If, then, we adopt the plan just described for incomplete papers, it will be sufficiently simple for practical purposes, and its use will tend to elicit from electors a full statement of their various preferences.

Cases of Equality.

No case of equality can occur in the proposed method except when all the candidates poll exactly the same number of votes on a scrutiny, for if less than the whole number of candidates have the same number of votes in any scrutiny, if that common number be not greater than the average, all the equal candidates are excluded. If it be greater no one of them is excluded; and in either case we pass on to another scrutiny.

If on any scrutiny all the candidates poll exactly the same number of votes, that number, of course, must be the average, and it is necessary that some one should have a casting vote. If it is thought proper to do so, one casting vote can then be made to settle the election, by allowing the casting vote to decide who is to win. But if it is thought that this is giving too much weight to the casting vote, then we may permit the casting vote to decide who is to be excluded, and then proceed to a fresh scrutiny between the remaining candidates. It will be observed, however, that the chance of a casting vote being required at any scrutiny except the last, when only two candidates remain, is very minute, seeing that it depends upon all the candidates polling exactly the same number of votes on a scrutiny.

Statement of Method.

It is convenient to give here a formal statement of the method, which it is proposed should be used when incomplete papers are presented.

Each elector is furnished with a list of the candidates in alphabetical order, upon which he indicates his preference amongst the candidates by placing the figure 1 opposite the name of the candidate of his first choice, the figure 2 opposite the name of the next in order of preference, the figure 3 opposite the next, and so on, to as many names as he pleases.

It is, of course, unnecessary to mark all the names; it is sufficient to mark all but one. In what follows, if all the names be marked, it is unnecessary to pay any attention to the name marked lowest in order of preference.

The mode of dealing with the papers is as follows:—For the lowest candidate marked on any paper count one vote, for the next lowest two votes, for the next three votes, and so on, till the highest is reached, who is to receive as many votes as there are names marked on the paper. The total number of votes for each candidate is then to be ascertained; and thence the average number polled. All candidates who have not polled above the average are then to be excluded. If more than one candidate be above the average, then another scrutiny must be held as between all such candidates.

In counting up the votes for the second, or any subsequent scrutiny, no attention must be paid to the names of any candidates who have been excluded.

As many scrutinies as may be necessary must be held, so that finally all the candidates but one are excluded, and the last remaining candidate is elected.

Practical Details.

In order to show precisely the amount of labour which would be required to carry out the proposed method, it may be as well to state what appears to be the most convenient way of making up the result. As in the ordinary methods, it would be necessary to have a poll-book in which to keep a tally of the votes. In this book the names of the candidates should be printed from the same type as the ballot-papers are printed from. Each ballot-paper should be placed with the names in a line with the corresponding names in the poll-book, and the numbers written opposite to the names on each ballot-paper should then be copied into the successive columns of the poll-book. In this way the risk of error in transcription would be exceedingly small, and any error which was made would be at once detected on placing the ballot-paper side by side with the column in which its numbers are recorded. When this is done many of the columns would contain vacant spaces. In every vacant space in each column write a number greater by unity than the largest number copied from the voting-paper into that column. After doing this add up the figures in each row; then find the mean or average of the sums. Every candidate who has a sum *equal to or greater* than the average is to be excluded. A little consideration will show that this process will give the same result as the method described above. When the papers have once been copied into the poll-book as just described, all subsequent scrutinies that may be necessary can be conducted without handling the voting-papers again.

Cases of Bracketing.

Under the head of "Incomplete Voting-papers" we have considered a case in which an elector does not fully express his preference. There is, however, another way in which an elector may fail to fully express his preference. An elector may have no difficulty in putting a number of candidates at the bottom of his list, and yet he may have considerable difficulty in deciding as to the precise order in which to place the candidates at the top end of his list. In such a case an elector might wish to put two or more candidates equal for the first, second, or some other place on his list. This may be called a case of bracketing. It is now to be shown that this system of bracketing can be permitted without causing any difficulty in the practical working of the system. Let us suppose that an elector brackets m_1 candidates for the first place, m_2 for the second place, and so on; so that $m_1 + m_2 + m_3 + \dots = n$, the case in which one candidate only is put in the r^{th} place being provided for by supposing $m_r = 1$. Then in the poll-book already described enter the number one for each of the m_1 candidates in the first bracket, the number two for each of the m_2 candidates in the second bracket, the number three for each of the m_3 candidates in third bracket, and so on. Suppose, for example, that there are seven candidates, A, B, C, D, E, F, G, and that an elector wishes to bracket B, E for the first place, and A, D, F for the second place, and that he does not care to say anything about C, G. Then he would mark his paper as shown in the margin. As nothing is said about C, G, we should consider them as bracketed for the third or last place. Now in order to record this vote in the poll-book, it is merely necessary, as before, to copy the column of numbers on the voting-paper into a column of the poll-book, taking care to write in two 3's in the two blank spaces opposite the names C, G. After copying the numbers from each ballot-paper into the poll-book and filling up all the vacant spaces, we should add up the different rows and proceed exactly as before to ascertain the result of the election. Thus it is clear that the method of dealing with the papers is exactly the same no matter how many or how few names be marked, nor how many are bracketed in the various brackets, and that there is very little risk of error in the process.

If this system of bracketing be permitted we at once get rid of the objection that the proposed method could only be used in a highly educated constituency, because it is only highly educated electors who can possibly arrange the candidates in order of merit. The method can easily be used by the most ill-informed electors. In fact, an elector, if he so pleased, could vote in exactly the same manner as in elections under the common "majority" system of voting in cases where there are several candidates—that is, the elector may simply cross out the names of all the candidates he objects to, and leave uncanceled as many names as he pleases. In such a case the uncanceled names would all be considered bracketed for the first place, and the canceled ones as bracketed for the second or last place.

Exactly as in the case of incomplete papers previously discussed, it is easy to see that the method just given is not strictly accurate, that the strictly accurate method would be too complicated for practical purposes, and that the error has the effect of decreasing the chances of success of the favourite candidates of the elector who resorts to bracketing. In fact it may be

shown that the numbers which ought strictly to be entered in the poll-book for the candidates in the successive brackets are

$$0, \frac{m_1}{2} + \frac{m_2}{2}, \frac{m_1}{2} + m_2 + \frac{m_3}{2}, \dots \quad (1)$$

$$\frac{m_1}{2} + m_2 + m_3 + \dots + m_{r-1} + \frac{m_r}{2}, \&c.$$

Now the plan just described comes to the same thing in the end as entering instead of these the numbers—

$$0, 1, 2, \dots, (r-1), \&c. \dots \quad (2),$$

and as no one of the numbers $m_1, m_2, m_3, \&c.$, can be less than unity, it is easy to see that no one of the numbers (2) can be greater than the corresponding one of the numbers (1), that when no bracketing occurs the two sets (1), (2), are the same; and that the two sets agree until the first bracket is reached. Now observe that the numbers entered in the poll-book are in reality negative votes, and we see at once that the moment an elector begins to bracket, he diminishes the influence of his own vote on the result of the election, and also decreases the chances of success of all candidates who on his own list are placed higher than the bracket. Each additional bracket will have precisely the same effects. Thus it is clear that the effect of the proposed method will be to discourage the practice of bracketing. If we do not wish to discourage this practice, we must resort to the accurate method, and use the numbers (1) instead of (2). This is not very difficult to do, but as it introduces a new method for the bracketed votes, it would give considerable extra trouble to the officers who make up the poll-books. The most convenient way of stating the accurate method would be as follows:—For each first place count one negative vote, for each second place count in addition $\frac{1}{2}(m_1 + m_2)$ negative votes, for each third place count in addition to the last $\frac{1}{2}(m_2 + m_3)$ negative votes, for each fourth place count in addition to the last $\frac{1}{2}(m_3 + m_4)$ negative votes, and so. As before remarked, the numbers for the successive places would be the natural numbers 1, 2, 3, 4, &c., until a bracket was arrived at. When brackets do occur we shall in general have to deal with half-votes, but no smaller fraction could occur.

Another Method for Cases of Bracketing.

Another plan might also be adopted for dealing with cases of bracketing. It is as follows: For each candidate in the first place count one vote; for each candidate in the second place count $m_1 + 1$ votes; for each candidate in the third place count $m_1 + m_2 + 1$ votes; for each candidate in the fourth place count $m_1 + m_2 + m_3 + 1$ votes; and so on. The plan now under consideration comes to the same thing as counting for the successive places the numbers 0, $m_1, m_1 + m_2, \dots, m_1 + m_2 + \dots + m_{r-1}, \&c.$, instead of the proper numbers (1). Thus the errors for the successive places are

$$0, \frac{m_1 - m_2}{2}, \frac{m_1 - m_3}{2}, \dots, \frac{m_1 - m_r}{2}, \&c.$$

Hence we see that

1. If the same number of candidates be bracketed for each place, the plan is accurate.
2. If m_1 be greater than either of the numbers $m_2, m_3, \&c.$, that is, if more candidates are bracketed for the first place than for any other place—then the errors will be all positive, and the effect will be to give the elector more negative votes than he is entitled to, and, consequently, to increase unduly the chances of the candidates bracketed for the first place.
3. If m_1 be less than each of the numbers $m_2, m_3, \&c.$ —that is, if fewer candidates are bracketed for the first place than for any other place—then the errors will be all negative, and the effect will be to give the elector fewer negative votes than he is entitled to, and, consequently, to decrease unduly the chances of the candidates placed at the top end of the elector's list.
4. If m_1 be equal to the mean of the numbers $m_2, m_3, \&c.$, the elector will have just as many votes as he ought to have, but he will give more negative votes to some candidates and less to others than they ought to have.
5. If m_1 be not equal to the mean, then the elector will have more or less votes than he is entitled to, according as m_1 is greater or less than the mean.

The results just given apply to each scrutiny; but the numbers $m_1, m_2, m_3, \&c.$, will generally be altered at each scrutiny. Thus it is in general impossible to tell at the commencement of an election what will be the effect of different modes of bracketing. Sometimes the elector will get too many votes, sometimes too few. At some scrutinies the candidates at the top end of his list will get too many votes, and at others those at the lower end will get too many votes.

If there be one candidate only in each place, except the last, or, in other words, if the only bracket be for the last place, we have the case of incomplete papers discussed above. In this case the plan just described, and the method adopted above, agree; and the effect is, as has already been pointed out, to give the elector too few votes; and this would be the case at each scrutiny, until all but one of the candidates in the bracket are rejected.

If, however, an elector bracket a number of candidates for the first place and arrange all the

rest in order of merit, he would get more votes than he is really entitled to, and this would be the case at each scrutiny until all but one of the candidates in the bracket are rejected. Electors would very soon find this out. Each elector would ask himself the question, "How must I vote in order to get as much electoral power as possible?" and the answer would very soon be seen to be, "I must bracket all the candidates I don't object to for the first place, and I must arrange all the rest in numerical order." Thus, instead of encouraging the electors to arrange all the candidates in order of merit, this plan would lead to each elector trying all he could to defeat objectionable candidates without expressing any opinion as to the relative merits of those he does not object to.

Rule for Forfeit.

If the method which is proposed were adopted for Parliamentary elections, it is clear that the number of candidates would be very much greater than at present. In order to prevent the number becoming so great as to make the election unmanageable, it is necessary to provide some method for keeping the number of candidates within reasonable bounds. Such a provision exists for the method now in use. It is that any candidate who fails to obtain one-fifth of the number of votes polled by the lowest successful candidate forfeits the deposit which he has lodged with the Returning Officer. This rule is, of course, purely empirical, and we must fix upon some rule of the same kind for the proposed method. I will first state a rule for the method as first described, *i.e.*, when positive votes are used. This rule is as follows:—

If at the first scrutiny any candidate has a number of votes which is less than half the number of votes polled by the candidate who is highest at the first scrutiny, he shall forfeit his deposit.

In the mode of applying the method which is most convenient in practice this rule takes a somewhat more complicated form, as follows:—

If at the first scrutiny any candidate has a number of votes which, together with a number which is equal to half the number of electors, exceeds half the number of votes polled by the candidate who has the smallest number of votes by the average for the first scrutiny, he shall forfeit his deposit.

Case of Several Vacancies.

Hitherto we have supposed that there is only one vacancy to be filled. If there be more than one vacancy we have to settle a most important question before we can consider what method of election is to be adopted. This question is as follows: Is the majority of the electors to fill the whole of the vacancies, or are the successful candidates supposed to represent the different sections of the electoral body? The first case is that of the selection by a Board of Governors of officers to fill various offices. No question of representation is involved, but simply the selection of those persons most fit, in the opinion of the whole electoral body, to fill the different offices. The second case is that of the selection of representatives by a large electoral body. In the first case the whole electoral body has to decide for itself once for all, and the majority must rule. In the second case the electoral body has to select representatives, who are to decide and act for it in a variety of matters; and in order that the decision may be as far as possible in accordance with the views of the electoral body, it is necessary that all the different sections thereof should, as far as possible, be represented.

In the first case there is only one method of arriving at the correct result, and the method is to fill each vacancy separately. Thus one person must be elected by the method described above; then, by means of the same set of voting-papers, we must proceed to a second election for the next vacancy, and so on till all the vacancies are filled. After each vacancy is filled we must of course suppose the name of the successful candidate erased from all the voting-papers.

The second case—that of the selection of representatives—has been considered by Hare, Andræ, and other writers. It is not proposed here to discuss this question beyond pointing out that it follows from the principles which have been established in this paper that the process of "elimination," which has been adopted by all the exponents of Hare's system, is not satisfactory.

Inclosure 5 in No. 27.

An Act to regulate Elections made by the Church Assembly, and the manner in which in certain cases Votes shall be given at Elections, and the Method by which the Results of Elections shall be ascertained.

No. 3, 1888.

BE it enacted by the Bishop, the Clergy and the Laity of the Church of England within the Diocese of Melbourne in Victoria duly met in Assembly according to law as follows:—

1. The Act mentioned in the Schedule hereto marked A shall be repealed except as to every operation already effected by or act done under any enactment therein comprised or as to any obligation or liability already acquired or accrued under any such enactment. Repeal of Act No. 6, 1887.

- Elections ordered by Assembly.** 2. Where it has been or shall be determined by any Act or Resolution of this Assembly that an election of any person or persons shall be made by the Assembly the election shall be conducted as hereinafter provided.
- President to name time for election.** 3. The President in his mandate convening the Assembly or otherwise shall name a day and fix the hours for the election not earlier than the fourth day of the Session and the election shall take place on the day and within the hours named by the President.
- Form of nomination.** 4. Any ten Members of Assembly may unite in nominating in writing to be delivered to the Secretary of the Assembly not later than the second day before the day of election persons duly qualified for election not exceeding the number to be elected, and every person nominated shall signify through one of his nominators, or in writing under his hand to be delivered to the Secretary with his nomination his assent thereto. And no nomination-paper shall be valid unless these conditions shall have been complied with.
- List of nominees to be printed, &c.** 5. The Secretary shall forthwith cause to be prepared lists of all persons so nominated, and the offices to which they are nominated and shall cause such lists to be printed and laid on the table of the Assembly, and exhibited conspicuously in the Assembly Hall till the time of election. Provided that if any person who has been nominated express in writing addressed to the Secretary his unwillingness to act his name shall be erased by the Secretary from the said lists.
- Vacancies to be filled by the Bishop in Council.** 6. If the number of persons nominated for election be not more than the number of persons to be elected the persons nominated shall be declared duly elected, and any vacancy or vacancies then existing shall be filled up by the Bishop in Council.
- Form of voting-papers.** 7. If the number of persons nominated for election exceed the number of persons to be elected the Secretary shall cause voting-papers to be prepared in the form or to the effect in the Schedule hereto marked (B).
- Preferential voting.** 8. The voter shall indicate the order of his preference by affixing to the names of all the candidates a numeral. The numeral 1 shall signify the candidate who stands first in the order of his preference, the numeral 2 the candidate who stands second in the order of his preference, and so on. Provided that if the voter wish to indicate that two or more candidates stand equal in the order of his preference he shall affix the same numeral to each of the names of the said candidates.
- Rules as to scrutineers.** 9. One or more scrutineers shall be made according to the rules in the Schedule hereto marked (C).
- Equality of votes.** 10. In case and as often as upon any scrutiny any doubt shall arise owing to two or more candidates having an equality of votes it shall be determined by lot on whom the election shall fall provided that nothing herein contained shall affect the provisions of any Act whereby a casting vote is given to any person.
- Regulations as to voting-papers.** 11. On the day preceding or on the day fixed for the election every member of the Assembly shall be entitled to receive from the Secretary or some person appointed by him to act as his deputy voting papers for the several elections, and it shall be the duty of the said Secretary or his deputy before giving any voting-paper to any member of the Assembly to initial the said voting paper and to keep a record of the name of every person to whom a voting paper has been issued, and such person shall thereby be deemed to have voted, and shall not be entitled to receive any other voting-paper unless the voting paper already issued shall be returned to the said Secretary or his deputy in an unusable condition in which case the Secretary or his deputy shall destroy the paper first issued and give a similar one in its stead.
- Appointment of scrutineers.** 12. Two scrutineers may be appointed by vote of the Assembly previous to any election being held on motion without notice or failing such appointment two scrutineers being members of the Assembly may be appointed by the Secretary whose duty it shall be to assist the Secretary or his deputy in taking the votes at the said election.
- Record of votes and declaration of result.** 13. On the day and within the hours fixed for the election the voting papers shall be deposited in a ballot-box or ballot-boxes to be provided by the Secretary or his deputy in such places as he may appoint, and as soon as convenient after the close of the poll he or his deputy shall in the presence of the scrutineers proceed to record the votes and report in writing to the President the result of the election, and the President shall forthwith declare it to the Assembly.
- Invalid voting-papers.** 14. Any voting-paper not initialled by the Secretary or his deputy or not filled up in accordance with the provisions of this Act shall be deemed to be invalid and shall be void and of no effect.
- Questions affecting validity of elections.** 15. All questions affecting the validity of any election held under this Act shall be referred to the Election Committee appointed under the provisions of Act No. 2, 1878.
- Supplemental list of persons elected.** 16. Where it has been or shall hereafter be enacted that a certain number of persons shall be elected to any office or offices, and that other persons shall at the same time be elected and placed on a supplemental list in order that from such list vacancies amongst the members primarily elected may be filled the election shall proceed in manner aforesaid no distinction being made in recording votes for the persons to be primarily elected and those to be placed on the supplemental list. And the required number of persons whom the scrutineers report to be entitled to election shall be declared duly elected to the said office or offices and the required number of persons whom the scrutineers report to be next in order entitled to election shall be placed in that order on the supplemental list.
- Continuance in office till election of successors.** 17. When any Act or Resolution of this Assembly directs that any election shall be held by this Assembly if such election be not duly held the persons if any who immediately previous to the time for holding such election held such office shall continue to hold the same until their successors have been duly appointed.
- Custody and destruction of voting-papers.** 18. The Secretary or his deputy shall after taking a record of the voting-papers in the presence of the scrutineers place in separate packets all the used and rejected voting-papers

and shall transmit the same to the Registrar of the diocese who shall safely and secretly keep them until the close of the Session unless required to be produced before any Election Committee and the Registrar shall at the close of the Session cause the said packets to be burnt without being opened.

SCHEDULE (A).

No. of Act.	Date of Act.	Title of Act.	Extent of Repeal.
Act No. 6 1887 ...	Passed October 4, 1887... Assented to October 10, 1887	An Act to regulate Elections made by the Church Assembly of the Diocese of Melbourne	The whole.

SCHEDULE (B).

Voting-paper for the Election of a Clerk (or Clerks, or a Laymen or Laymen, or a Member or Members of Assembly), to be [here describe the office or position to be filled].

The voter is to write the numeral 1 opposite the name or names of the candidate or candidates of his first choice, the numeral 2 opposite the name or names of the candidate or candidates of his second choice, and so on until he has written a numeral opposite the name of each candidate. Instructions to voters.

VOTING-PAPER.

Numerical Order of Voter's Preference.	Names to be inserted in Alphabetical Order.

SCHEDULE (C).

1. The first scrutiny shall be made in the following manner:—

(a.) The numeral written opposite the name of any candidate on any voting-paper shall be deemed to represent so many votes against the said candidate. Providing that whenever on any voting-paper the same numeral is written opposite the name of more than one candidate the number of votes to be counted against each candidate shall be ascertained by the following rules:—

To find the number of votes to be counted against each candidate marked one to the number of ones add one and divide by two.

To find the additional number of votes to be counted against each candidate marked two to the number of twos add the number of ones and divide by two.

To find the additional number of votes to be counted against each candidate marked three to the number of threes add the number of twos and divide by two and so on.

(b.) The number of votes cast against each candidate shall be ascertained.

(c.) The number obtained by dividing the total number of votes by the number of candidates shall be the average for the scrutiny.

(d.) When the number of votes cast against any candidate is less than the average such candidate shall be deemed to be below the average.

(e.) If the number of candidates below the average be not greater than the number of vacancies to be filled all such candidates shall be declared elected but if the number of candidates below the average be greater than the number of vacancies to be filled then all candidates not below the average shall be rejected.

2. Any subsequent scrutiny shall be made in the same manner at the first scrutiny provided that the names of all candidates elected or rejected at any preceding scrutiny shall be deemed to have been erased from each voting-paper and the names which remain to have been renumbered with the numerals one, two, three, four, &c., according to the order which they stand in the voter's order of preference.

[Passed September 28, 1888.—Assented to October 2, 1888.—Amended by Acts No. 2, 1891, No. 1, 1896, and No. 1, 1898.]

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